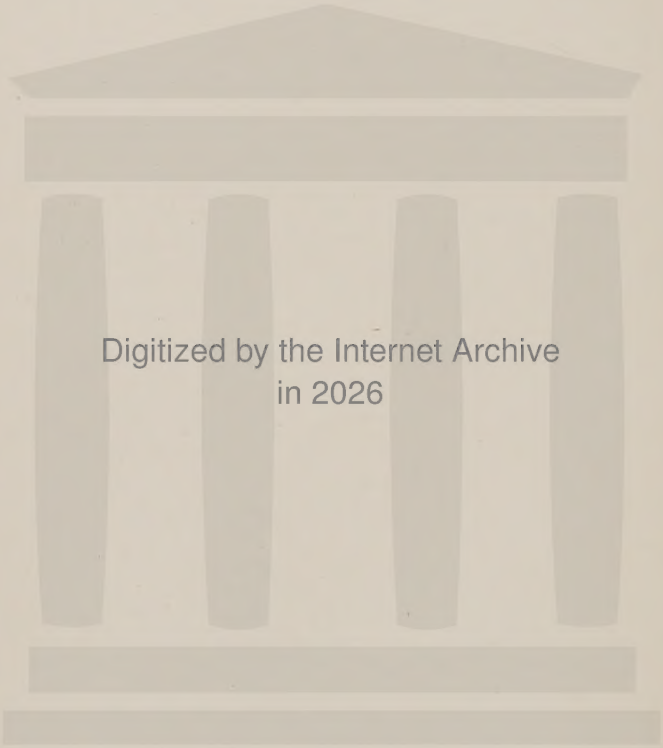
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# CICERO OF ARPINUM

## A POLITICAL AND LITERARY BIOGRAPHY

BEING

A CONTRIBUTION TO THE HISTORY OF ANCIENT CIVILIZATION AND A GUIDE TO THE STUDY OF CICERO'S WRITINGS

BY

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TO

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THIS WORK IS INSCRIBED, AS A TOKEN OF GRATITUDE AND HIGH REGARD

# PREFACE

THE first and last obligation of historiography, it seems to me, is to state and delineate, what actually happened.[1] And this is preceded by the process, often laborious, of ascertaining the exact meaning of all the Sources. How one who is not a classicist, can do this, in any part of the domain of ancient history, I do not understand. During the last twenty years I have tried to gain a close vision of Cicero's Life and the movement thereof in all its aspects, a life curiously interwoven with, and reflected by, the letters of the Arpinate. If all the works of his pen were to be extinguished forever, works intensely personal in the main, but marvelously comprehensive and indeed cyclopedic in their range of interest and concern, — what an Egyptian darkness would enshroud much of the Ancient World!

My chief aim then has been to strive most earnestly, not for novelty, nor for fascination of my readers, but for this, that both the statements of fact as well as the judgments and valuations should be *reliable;* and to append everywhere a somewhat full citation of sources. In the pursuit of this quest I have given no less attention to secondary authorities, such as Plutarch, Appian, Dio, than to Cicero himself and to his contemporaries in literature. And I entertain a lively hope that candid scholars will find these pages *reliable*, both now, and when the author is ἐπὶ γήραος οὐδῷ, as well as later on, when this pen shall have been laid aside forever. I must not desire to ape the novelist, the sociological essayist, nor the dramatist, nor the journalist. One may here learn to know Cicero's faults and weaknesses, no less than become familiar with his lofty ideals and his quite wonderful industry; and further one may perceive, how that critical period of political disintegration and social decadence was mirrored in the lively mind and recorded by the masterful pen of one who was indeed the most gifted son of ancient Italy.[2]

[1] Wie es denn eigentlich gewesen ist, (*Ranke*).

[2] I find myself here in a welcome agreement with *Friedrich Leo* of Goettingen, recently passed away, all too soon.

I trust that on its didactic side this volume will be equally useful to the professional student of history and of Latin letters, whether he be a college-professor or a high school teacher, or not yet arrived at that point of professional maturity. Whether critics and students east of the Atlantic will give the book as kindly a reception as they gave to my *Caesar*, time must show. I owe very much to,—I may say I was greatly heartened in the execution of my task by—the splendid labours of Tyrrell and Purser. Of my predecessors I will here mention Drumann alone. I doubt whether his personal culture could do justice to two things, viz., the technique and art of oratory, and the history and transmission of Greek Philosophy. His work is so deeply permeated by malice and dominated by a programme of depreciation, that it has well been compared[1] with the laboured and one-sided pleadings of a prosecuting attorney.

New York University, E. G. SIHLER
University Heights, N. Y.
May 9th, 1914

[1] By *Emil Hübner*, Deutsche Rundschau, 1899

# INTRODUCTION

One often encounters a curious desire in many professional writers on classical subjects, and an itch in historians of eminent personalities, to clothe their valuations in epigrammatic or other brilliant forms. Artificial modernization also is much resorted to. Almost as frequently do we meet, at the very threshold, another fault. At least I consider it a fault. It is the manner of delineating the entire character at the very beginning, and at once to emphasize or accentuate those traits which are sympathetic to the writer, or those which he dislikes or condemns. Thus does literary ambition or a certain predilection or prejudice over and over interfere with impartial historiography, and the slower and more patient study of the career and unfolding of an extraordinary personality becomes quite impossible. This is eminently so when we are to begin to relate the life-history of Marcus Tullius Cicero of Arpinum. But is he really still important? In our own generation the faculty of writing Latin has reached so low an ebb, that the smothering obsession of a single great model has long ceased to be a matter of universal concern. Such indeed was the case in that movement which we call the Humanism of Italy, and the long period from Petrarch to Erasmus. Those fervid joys of rediscovery and the dominant influence of Ciceronianism cannot prevail again: they certainly cannot happen now, when Cicero in a small and elementary way for many generations has been furnishing drill-matter to immature pupils. Is it the hard and heavy pressure then of mere scholastic and didactic tradition which makes worth while a deep or searching study of his entire life and his entire production? Of Caesar's importance or of that of figures like Cromwell, Napoleon, Frederick, Washington or Lincoln, we would probably entertain no smaller opinion, if no particle of their letters had reached us. Cicero however is *the* unique personality of Roman antiquity, presented largely by his own pen, revealing his innermost self with a liveliness and fulness not found again in the entire range of our knowledge of classical antiquity. Furthermore Cicero is the

pen and mirror of a great transition in the political history of the Mediterranean world. He is the very recorder of an epoch when the Roman Empire passed from the intolerable sway and the irresistible disintegration of the city-republic to a military monarchy. Again Cicero is the bearer of the most varied and many-sided culture of his day, a leader in Greek learning and an efficient transmitter of Greek civilization. He was an original force in the domain of Roman authorship, and a latinizer of themes never undertaken before him. For all these sides of life and labor Cicero is worthy of careful biographical study. But there is more. Even if we were willing simply to fall in behind Drumann and Mommsen and to deny to the Arpinate the honorable title of statesman, we could not well forget that the orator and author staked his very life and finally died a violent death in his consistent effort to defend or to re-establish the older order of the commonwealth, and in his honorable ambition to be a leader in that struggle. It is one thing to amass erudition in the peaceful closet; it is another thing to die for one's convictions.

If Cicero had been merely a Roman and no more, he would not have been Cicero. But his humanity and nobler concerns were not limited by that narrow and supremely utilitarian thing, the Roman consciousness. When Mommsen's third volume appeared for the first time, one of his older friends and perhaps the most learned of his fellow scholars, one who had helped him forward at a time when he was politically *persona non grata* and comparatively friendless, uttered a somewhat mild protest. This was Friedrich Ritschl. It was in 1856, fifty-eight years ago. Mommsen then was thirty-nine, while Ritschl, the bright and famous star in the academic firmament of Bonn, was fifty.[1] He wrote with studied moderation but also with fine and true feeling: "If it is a difficult art for mortal man to practice justice, then he who teaches it, deserves our gratitude, and such gratitude is due from classicists (most of whom probably are not aware of it) to the eloquent utterance of a leader, an utterance which in keen delineation presents a bright trait of Cicero's character. To the end that it may succeed in restoring the honor of a much-maligned

[1] The paper as originally published in the *Rheinisches Museum* (vol. XI, p. 477 sqq.), bore the title: "Auch ein Wort *für* Cicero." Mommsen was still at Breslau. Ritschl in that article called Mommsen "the unsurpassed master of subjective historiography."

man, this journal for once may sacrifice its principle of printing nothing printed before. Thus then the subjoined characterization[1] is recommended to the appreciation of those who do not value a human life exclusively by political martyrdom, and do not consider it the primary duty of historical judgment to brand human foibles in a merciless manner."

"The relation which the Romans assumed towards research and science . . . . is explained as arising from their general attitude towards mankind and towards truth. The Romans understood how to conquer the world and to rule the vanquished peoples. They established Roman law and orderly administration in the place of the intrigues of luxurious courts, violent control by the aristocrats or destructive contentions of democracies. They constructed the straight lines of their highways as well as of their governmental system, across the countries of the earth, and on these moved legion and colony, the judge and the tax-collector, the language of Cicero, and still more that of Homer and Plato, into the cities and realms of the barbarians. Their generals and governors finally[2] were cultured men and lovers of art, nay sometimes learned. How then did it happen, that the Romans, disgracefully inferior to the Greeks who were abused and despised by them, did nothing for the investigation of the languages, customs, and histories of ancient nations? As it seems, simply for this reason, because in no people but their own did they recognize and honor humanity, and because, for them, love of knowledge and truth for their own sakes, were unintelligible words. They understood no people except in its bad qualities; they loved none, and were loved by none, because they brought no humanity to them nor sought such in them, and benefited others merely because it was to their own advantage. It was their way, from well considered selfishness, to convey substantial goodness to the nations themselves, but not coupled with regard. The nations did not impress them as something personal but merely as an object: this of course the latter felt. Humanity for the Roman statesman and practical philosopher — and others the Romans never had — was a serving-maid, which it was not worth while, nay disgraceful, to accost, unless the serving-maid

[1] Taken from Bunsen's *Egypt*. The translation here given is a new one, especially made for this volume.

[2] By no means all of them. Cicero himself had to defend many of the other kind. Verres certainly is a truer type than the noble Scipio Aemilianus. (E.G.S.)

had Greek or Latin speech: in these nations alone did they recognize something divine: but in the Greeks too the Romans did not honor the purely human element whereby down to the times of humiliation the Greeks so greatly surpass all the nations of the world. Greek life attracted them as being convenient and useful for their material and intellectual luxury, nay the rounded utterance of the Greek Muse, in Roman imitation, gradually gained the ear of Roman assemblies. Men became powerful and rich by the art of oratory borrowed from Athens and Rhodes. From the year 53 [1] B. C. it was considered the proper thing in Rome to talk Greek; in letters Greek flourishes were a requisite, and it was sometimes necessary to quote familiar lines of Homer or of the writers of Greek tragedy or comedy. Finally, in travelling, Greek was very useful even to the rulers of the world. To what end did all the other nations exist than to furnish to their rulers money and other means of comfortable enjoyment? Purely human sympathy then was no motive for a genuine Roman to rouse in him a concern for the history of other nations, but equally too there was no motive furnished him from any impulse to understand the truth of things. Faithful and true in domestic and civic relations, the best of Romans, as such, were indifferent to that Truth which is a final aim in itself and is the end of all knowledge. The divine thirst after knowledge (for knowledge's sake) never troubled a Roman mind. Hence it is natural that the respectable scholars of Rome appear as ridiculously ignorant or at least as very insignificant alongside of the Greeks wherever they enter the domain of research proper; just as it is easy to understand that the grandees and rich men of Rome — men respectable at home — became haughty and odious whenever they passed out of their own country and its legal constraints and were no longer held and sustained by the civic spirit and the public opinion of Rome. With all their patriotism they had no regard for humanity, and with all their fidelity and probity they did not love truth; and therefore, in spite of all their intelligence and all their culture, they did not love the sciences and scholarship. In this respect Pilate is their type and his query is the symbol of their being. As for the antiquities of their own country it was the Greeks only who had succeeded in making them intelligible and attractive to them. Even the enquiries of Varro and of Tacitus suffer from that national obtuse-

[1] Did not Bunsen slip up here? 153 B. C. would be more correct.

ness in which Rome perished. The research of Tacitus concerning the Jews and Egypt in spite of the wide reading which it betokens, is positively poor; similarly his judgment of Christianity has been refuted by history and his *Germany* is great in everything except in deep enquiry as to antiquity. *It is precisely that Hellenic humanity which, in spite of all his weakness, attaches us to Cicero and endows his writings with so incomparable a charm that even the philosophical ones please us. He believed in truth and loved it for its own sake: he honored humanity and gladly looked up points of humanity.*"

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# CICERO OF ARPINUM

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## CHAPTER ONE

### *BIRTH, CHILDHOOD, EARLIEST EDUCATION*

Marcus Tullius Cicero [1] was born on his father's estate in the district belonging to the municipium of Arpinum on the 3rd of January in the consulate of C. Atilius Serranus and C. Servilius Caepio, 106 B. C. In later times indeed in Roman schools and in the general consciousness of the Latin world the man and the name came in a way to be canonized. It was then perhaps that schoolmasters endowed him with a royal pedigree, as though he were sprung from some Volscian king of old. [2] The community of Arpinum was a *praefectura* before the Marsian war (90–89 B. C.), i.e., the chief governing official was sent from Rome; but it became a *municipium* after that time. That highland country in certain periods of the olden times had been under the rule of Earlier Rome's greatest rivals, the Samnites, as had been the neighboring communities of Sora and Cesennia (Liv. 9, 44). Other notable towns of that region were Atina, Casinum, Aquinum. While the mature Cicero owned villas in many other and more soft and charming spots of Italy, he bore to his birthplace a certain loyalty that seemed to rise with his own rising fame.

The more distant periphery of the capital, places unlike Bovillae, Labicum, Gabii, had not yet been rendered desolate by the doles of grain and the other attractions which the Campus,

[1] Plut. Cic. 2. The word *Tullius* probably means *swollen* or *bloated:* cf. *Walde* Lat. Etymol. Woerterbuch 2. ed. p. 797. The word *Mucius* is even less agreeable to the merely aesthetical sense of things. As to *Cicero*, it stands with *Fronto, Naso, Capito, Labeo.* Little doubt but that it did originally mean some pea-pod-like appearance of nostrils. *Cicereius* on the other hand (one who raised the vetch) stands with *Fabius, Canius, Asinius, Porcius.* As to the essential homeliness of Latin or Roman nomenclature, cf. the writer's *Testimonium Animae* p. 316.

[2] Jerome, a pupil of Donatus: "Cicero Arpini nascitur, matre Helvia, patre equestris ordinis et *regio Volscorum genere.*"

the Forum and the gorgeous anniversaries of the Roman Calendar held out to the poorer citizen. And in these minor units of civic life [1] local pride was intense. But the cause of such pride was something metropolitan, something bound up with the official records of Rome itself. Tusculum, e.g., boasted of a number of consular families. The achievements vaunted in the *municipia* were *Roman* achievements, were often deeds concerning the entire Mediterranean world; the records however were claimed amd rehearsed for the honor of the country town, where the consul, censor or triumphator was born. Even the neighboring towns shared in this form of local pride. The mature Cicero claimed for those country districts a positively greater measure of civic virtues and assigned them a certain superiority above the capital itself and above the suburban districts nearer to Rome. "All that well-peopled stretch of country" he calls it in his mature years,[2] "in short that region of ours, so rough and faithful and straightforward, and one that favors its own." Arpinum itself acropolis-like towered high above the course of the Liris and Fibrenus below, and there below too was the villa where Marcus was born to Cicero and Helvia: *villae* needed room of their own. It was where the Fibrenus mingles with Liris and where even in summer time it is cooler than in most other regions of Italy. Fine cascades furnish a rare water power, perhaps the source of the modest wealth inherited by Cicero's sire. The spot was ideally fitted for quiet reflexion, being some distance eastward from that important artery of travel and transportation, the *via Latina*. In Cicero's manhood it still was simpler and more primitive in its outward appearance than many other spots favored by the aristocracy of Rome. At Cicero's birthplace even after his fiftieth year [3] one looked in vain for panelled ceilings or for marble floors, but the splendid abundance of water made Cicero smile at the artificial and puny watercourses often found in villas elsewhere. "This is my real native place [4] as well as that of my brother (Quintus), for here we were born of a stock which traces its pedigree to very remote times; here are our religious rites, our race, many foot-prints of our ancestors. In a word you see

[1] Cic. pro Plancio 19 sqq.

[2] *Mommsen* C. I. L. vol. 10, no. 5678. *Abeken*, Cicero in seinen Briefen, p. 431 sqq. "Ciceros Geburtsstätte."

[3] De Legibus, 2, 2.

[4] Legg. 2, 3.

this country-house as now indeed it is, built more elegantly (*lautius*) through my father's interest, who, since he was of weak health, here as a rule spent his time in reading. But in this very spot when my grandfather was still living and the country-house in accordance with the old fashion was small, like that of Curius in the Sabine country, you must know that I was born." It is quite certain that to the majority of the political and literary friends of the consular and man of letters this native spot remained comparatively unknown. Such company was more likely to know his places by the sea, at Astura, or near Formiae, his Cumanum, Puteolanum, Pompeianum, with the entrancing prospects of that gulf of paradise, or in the northern fringe of the Alban hills, his Tusculanum, whence Rome was near enough for affairs, and far enough for reflexion and intellectual pursuits. His mother Helvia bore the same name as Seneca's mother, a hundred years later. It does not seem that she lived long enough to see much even of the promise or the ripening powers of her sons. Quintus Cicero has recorded [1] of her a single trait which betokens the shrewd and careful housewife. She was wont even to seal the empty flasks, in order that the claim might not be, in fact could not be made, that some had been empty, when they had really been drained on the sly.

When did the family take up a residence in Rome, at least for the period from October to June, in every year? One may assume that this step was connected with the education of the lads. In Arpinum, in the era of Marius, a *grammaticus* of positive excellence could hardly make a living. Such a one at that time was expected to speak Greek and to expound the Greek authors of school courses in Greek. The elder Cicero purchased a house in the street called '*Carinae*': a step of decisive importance, but economically feasible, and decisive: the active pursuits of the father were over; his favorite occupation was reading and his most important concern the superintendence of his sons' progress in mental pursuits. Now what was the educational field in Rome, say in the decade from 100–90 B. C.? The drift of things and the standards of that time we can well perceive, but as to detail we are hampered by a very fragmentary tradition. Of one thing we may be quite certain. This is the positive pre-eminence of Greek as over against Latin at that time.

[1] Fam. 16, 26.

Even to weigh Roman letters, as they then were, in the same scale with Greek letters, was almost impossible, and if carefully done would have been humiliating to the native records,[1] and to the achievements then available of Latin literature. Neither Livius Andronicus nor Naevius nor Ennius could fairly be compared with Homer, and still the very method and the exigencies of actual education did practically involve a thorough comparison. What were the chief functions of the teacher of language and literature? These were decidedly more concerned with proper reading and elocution as applied to poets[2] rather than to prose-writers. The mature Cicero knew well to what part of his earlier equipment he owed much, and wherein he, as an orator, differed from the elder Cato: it was, "that polished learning which came from over the sea and from abroad" (de Orat. 3, 135). In the wider sense, to use another statement of mature Cicero,[3] the domain of the grammaticus was the thorough handling of poets, the elucidation of words, gaining acquaintance with books on history, and a certain drill in proper elocution.

It was during the very childhood of Cicero that something like a more serious study of *Ennius*, of *Naevius*, of *Lucilius*[4] sprang up. But the very names of these scholars in Roman letters are significant: *C. Octavius Lampadio*, *Laelius Archelaus*, *Vettius Philocomus;* all freedmen of Greek parentage and ancestry. They were, like the members of the *Collegium Poetarum* also, men of humble station in the main. All the more conspicuous was the Roman scholar in letters and language who in time attained equestrian position. This was *L. Aelius "Stilo"* (or L. A. Praeconinus), a native of Lanuvium near Rome, who "equipped and enhanced the study of language and letters from every point of view." He accompanied the haughty Metellus Numidicus into exile in the year 100 B. C., returning in the following year. Such associations as he had with the aristocracy were due at first to something distinctly higher than the current faculties of a mere grammaticus. "He wrote speeches for the most aristocratic men of Rome" (Suet. ib. 3), distinctly a professional matter and so

[1] Hor. Epist. 2, 1, 156. Graecia capta ferum victorem cepit et artes intulit agresti Latio.

[2] Cic. de Div. 1, 34: quorum omnium interpretes, ut grammatici poetarum, proxume ad eorum, quos interpretantur, divinationem videntur accedere.

[3] de Or. 1, 187.

[4] Suet. de Gram. c. 2.

lucrative as to give to Aelius equestrian rank. He himself was no orator, as Cicero says, but like his famous pupil Varro he was versed in the history of Roman civilization, the attainable records of which he had studied with care.[1] Whether the high praise which Cicero bestows upon Aelius as a man "profoundly learned in Greek and Latin letters" should lead us to assume that young Cicero was himself a pupil of Aelius, or admitted to his company at least, I cannot well determine. He was an adherent of Stoicism. The obscure and archaic language of the Twelve Tables engaged his industry. Young Cicero even when he studied with the grammaticus, gained some acquaintance with that famous and venerable code. The impressive fact remains that in the teeming multitude of references or reminiscences of his growth and preparation Cicero has not actually named outright any Latin grammaticus at all, let alone referred to such with the same sense of obligation, the same warmth of recognition with which, at forty-four, he speaks of Archias, a Greek of Antioch on the Orontes. This man while still a mere youth, borne on by the loud acclamations won by his precocious talent, came to Rome in 102 (in the consulate of Marius and Catulus) after having gained fame and fees in his native Asia and later in Magna Graecia, viz. in the communities of Tarentum, Rhegium, Naples, and Locri. At Rome particularly, because he was such a *Wunderkind*, he was the rage in the circles of the aristocracy, and ultimately was installed in the household of L. Lucullus. As Archias accompanied this Philhellene into Greece when Sulla began his campaigns against Mithridates 88–87 B. C., one may infer that Cicero's lessons occurred well before these years. So deeply was the Antiochene imbued with the forms and metrical art of Greek letters that he could improvise in verse on themes of current interest with startling virtuosity,[2] and, after a pause, treat the same theme in a positively new and original effort. Perhaps to the keen and earnest ambition of young Marcus he revealed a matter of vast moment to the future orator, viz. the mysterious efficiency of splendid and consummate elocution.[3]

One specific thing in Cicero's earlier training is certain. No grammaticus from the Greek world proper could read with the

[1] *Cic. Brut. 205:* antiquitatisque nostrae et in inventis rebus et in actis scriptorumque veterum *litterate* peritus. He knew records and documents.

[2] Cic. Arch. 18.

[3] Haec vox, huius hortatu praeceptisque conformata (ibid.).

boy, Ennius or Naevius, Plautus or Caecilius or Terence, Pacuvius or Lucilius. As for Accius, the Roman Euripides, (i.e. translator in the main of the latter's plays) he lived to a very considerable old age. Young Cicero probably at the Collegium Poetarum, was sometimes admitted even, to conversation with him. In Cicero's boyhood Accius still survived, honored by the literary craftsmen of his day and place, while for his best work he really had touched elbows with old Pacuvius whom he surpassed. In the zenith of his labors Accius had become a kind of sovereign of his craft and his innovations in Latin orthography had drawn upon him the *Satura* of Lucilius himself. He was president (as we would say) of the guild of "poets" which met in the temple of Hercules and the Muses. Thus he was, even outwardly, a successor to Livius of Tarentum and to Ennius of Rudiae. Accius was dominated by a certain professional pride of the author and scholar. A certain practical mastery of, and intimate familiarity with some of the finest and noblest forms of Greek verse was a prerequisite for his profession of furnishing Latin plays to Praetors or Aediles. The Roman Aristocracy did often bespeak such plays to honor their dead by *Ludi Scenici* and incidentally to gratify the electorate of Rome. The mature Cicero recalled, and probably the adolescent Cicero observed, in him, a certain faculty of dialectic and of swift repartee, viz. in the dialogue of his plays. This faculty of discoursing and disputing, being somewhat more than mere transcribing from Euripides, may have drawn the learning and growing Cicero toward him: a general force of attraction for Cicero of course was the representative position which Accius held in Latin letters. To young Marcus Cicero, on his occasional visits to the Collegium Poetarum,[1] he was precious in more ways than one, particularly in telling the aspirant for oratory of the public speakers of the preceding generation. It was from his Greek teachers in the main, probably, that he acquired the technical faculty of versification, which he applied both in his youth and even in the last stages of his career to embellish his philosophical essays; and not merely in his ver-

[1] Cf. E. G. Sihler, *The Collegium Poetarum at Rome*, Amer. Journ. of Phil. 1905, 1 sqq. Cic. Brut. 107 sq. cf. also *G. L. Hendrickson, "A Pre-Varronian chapter of Roman Literary History,"* Am. Jour. of Phil. 1898, esp. pp. 303 sqq. That Cicero's *Pontius Glaucus* was of Cicero's boyhood we may well accept from Plut. 2. The fact that it was written in tetrameter seems to point to the usage and manner of the Collegium, where this metrical form was much in vogue.

sions of Aratos and in the glorification of the great Arpinate Marius. With the latter's fame and birthplace some day to associate his own name, was certainly a conscious and passionate desire in him when still a mere boy. It was probably with the grammaticus that the young Arpinate became a fellow-pupil of many a lad who bore a great and historic name. The consciousness of measuring his own powers with those of these young noblemen must have added enormously to the consuming ambition which on the whole was the deeply-set trait in Cicero's character throughout his entire life. From Plutarch (c. 2) we transcribe a little matter of this earlier period, a minor item perhaps, but full of meaning. He *outshone* his fellow pupils through the superiority of his natural endowment, and so vigorously did the former sing his praises in their homes, that the fathers themselves visited the establishments of the instructors to satisfy themselves of the young Arpinate's pre-eminence through their own senses and their own observation. The ruder ones among the sires were positively angry at their own sons when they saw them on the streets on their way to or from school attending him on the right and on the left, yielding to him freely this central place of honor.

(ἐκλάμψας δι' εὐφυΐαν, Plut. 2.) Here I believe we come upon the traces of the biography composed by Tullius *Tiro*, freedman and at last literary executor of Cicero. It was Cicero himself who gave to the lad a liberal education, though to be Cicero's literary assistant was a liberal education. Cicero finally manumitted him, in April 54 B. C., three years after his return from exile. With the orator's confidence in him there was blended strong and warm affection. This is particularly evident from the letters sent to him late in 50 B. C., when, returning from his proconsulate of Cilicia Cicero was compelled to leave Tiro behind, on account of the latter's state of health, at Patrai. It is not likely that a complete collection of letters from Cicero to Tiro would have appeared among the *Epistolae ad Familiares*, had not the secretary himself arranged the collection. Tiro's own hand and editorial fidelity were a guarantee cited for particular mss. of Ciceronian works even in the era of the Antonines (Gell. 1, 7, 1). That the most personal, or if I may say so, the most intimate elements in Plutarch's biography, are due to Tiro's work, seems exceedingly probable still. Alfred Gudeman[1] published the biography of Cicero by Plutarch with a wealth of apposite references, but his pet thesis (viz. that Plutarch used Suetonius rather than Tiro) is not convincing. Tiro

[1] *The Sources of Plutarch's Life of Cicero*, publ. by the Univ. of Pennsylvania, 1902.

had exceedingly strong motives to gather many details from Cicero's own lips. The latter was ultracommunicative in those matters which had swayed his being strongly; the heavy proportion of the Catilinarian episode thus becomes intelligible: it was the most important thing in Cicero's public life, in Cicero's own estimation. Of course Plutarch also gained a fairly objective conception of Cicero's peculiar foibles of temperament and has more genuine command of his subject there, than e.g. in his Caesar, or in his Pompey. Tiro's fourth book e.g. dealt[1] with some events which happened in February 56 B. C., Milo indicted by Clodius *de vi* (Sest. 95,144). What remained of Cicero's life must have required even more books: there was more *after* 56 B. C. than *before*. It is not likely that Tiro published the entire work before the passing of Antony. Cicero told Tiro e.g., why Caesar in 59 B. C. as presiding officer in the Senate practiced a certain preference in calling upon speakers in debate (Gell. 4, 10, 5,). Both Tacitus and his contemporary Plutarch[2] cited Tiro for data concerning the orator's death.

[1] Asconius p. 49 Orelli.

[2] Tacit. Dial. 17 Plut. Cic. 49. cf. H. Peter, *Die Quellen Plutarch's in den Biographien der Römer*, 1865.

## CHAPTER TWO

### *YOUNG CICERO'S EARLIER TRAINING IN ORATORY DOWN TO THE DEATH OF L. CRASSUS*

As to the forces and influences from without which were added to the deeply rooted ambition within the lad's bosom, it is definitely attested by Cicero himself, that the whole plan of his preparation for a forensic career was fairly completed before he reached the end of his sixteenth year.

It so fell out that Cicero's father gained the acquaintance and enjoyed the good will of two men, both eminent in the faculty of speech and in public life. These men were Marcus Antonius, and L. Licinius Crassus. That these two pleaders at the time held the foremost position at the Roman bar, was a matter of general agreement; it was so held not only in the quiet household of Cicero's father, but on the Forum and in the Curia as well. A sister of Cicero's mother Helvia was married to C. Visellius Aculeo, a gentleman of equestrian rank, and, while not endowed with any broader culture, very eminent in the civil law of Rome.[1] Thus he had come to be very closely related to the great pleader Crassus himself. The latter seems to have continually referred to the civilian lore of Aculeo. Now Crassus was deeply steeped in Greek learning and culture. But he vaunted it not and the prevailing opinion was[2] that his Greek studies had terminated with his school years. It would seem that the broad masses of the Roman electorate were prejudiced against men in public life who made such display. As for Antonius[3] (grandfather of Mark Antony) he had been governor of Cilicia in 102 B. C. In this capacity he had been attended by an uncle of our Marcus, viz. Lucius Tullius Cicero. It was the year also of Aquae Sextiae, when Marius made Arpinum immortal. From his uncle Lucius, Cicero learned certain things, which, even more than in the case of Crassus, ran counter to current opinion. For while Antonius was everywhere considered as

[1] *de Or.* 1, 191. [2] *de Or. 2, 1.* [3] Liv. Epit. 68.

positively indifferent to scholarship, and while even in his Latin diction he was careless as to his choice of vocabulary, he still spoke Greek with absolute fluency and on his tour (in 102) discoursed freely with Greek scholars at Athens and Rhodes. When the lad Cicero himself grew old enough to do so, he questioned the eminent pleader much himself. For young Marcus seems to have been indefatigable in his deep desire to get into some positive relation with everything and with everyone that could aid or guide his own career, particularly in the acquisition of oratory, his lifelong task no less than the sphere of a glory that was to be his own. Now Cicero's cousins, the sons of Aculeo, were trained by such teachers as were approved by the great Crassus himself, and no others. Thus their cousin young Marcus Cicero came to have the same fortune: Crassus and the opinion of Crassus were the deciding factors in these important concerns of the household in the Carinae.

And Crassus really seems to have taken a kindly interest in the progress of studies, for whose choice and inception he had assumed a certain responsibility. He even seems to have invited the lads into his own mansion, from time to time, when young Marcus admired the perfect fluency[1] with which Crassus spoke Greek. Likewise that distinguished patron of the Ciceros seems to have visited the schools in which the lads studied oratory, where he put questions to the instructors and exhibited an easy familiarity with all their technical lore. And this exclusive appreciation of rhetorical study in Greek and by Greek teachers Crassus himself betokened in a curious way. In the year 92, one year before his death, Crassus as Censor jointly with his colleague Cn. Domitius Ahenobarbus issued an edict which closed[2] the schools of Latin rhetoricians, and which may well be given in full in this biography. "It has been reported to us, that there are men who have established a new kind of instruction (*disciplinae*) with whom young people meet to form classes (*in ludum*); that they have dubbed themselves *Latin Rhetors;* that there youths are loafing for whole days at a time. Our ancestors have established what they wished their sons to learn and what classes to attend. These new-fangled things which are done contrary to the usage and manner of our ancestors, neither have our approval nor do they seem right. Therefore it seems we ought to

[1] *de Or. 2, 2:* "as if he knew no other tongue."

[2] Suet. de Rhet. 1. Tacit. Dial. 35. Gell. 15, 11.

set forth our opinion both to those who hold these classes as well as to those who are wont to attend them, towit, that we disapprove of it." Clearly the foremost orator of Cicero's early youth resorted to the uttermost application of that elastic power, the Roman Censorship, actually to suppress Latin schools of Rhetoric at the capital. It must have impressed many men of his day and time as grossly inconsistent, to say the least. In his own maturity, some thirty-seven years afterwards Cicero[1] explained it. Rhetoric was a Greek[1] science and system demanding great industry and replete with this danger that the learner would advance, while forgetting what he had learned before; dull in some ways even in its Greek form of long tradition, for Latin learners at least, but absolutely confusing if presented in the crudeness of Latin versions and adaptations. Further its effects on the morals and *ingenium* of young Latin aspirants for oratory was bad: their impudence was greatly strengthened (*corroborari impudentiam*). Evidently Crassus then in the crude and primitive stage of a Latin technique refused to concede, or credit the new native *Rhetors* with certain qualities and attainments which he willingly admits for the Greek professional teachers. These were, "a certain training of tongue, also a certain scientific system and theory worthy of — not incompatible with — that culture and refinement"[2] which more and more to the forming Cicero became, as to the developed Cicero it remained, the core and kernel of all his standards and ideals.

Clearly then there was something in the influence of these *Latini magistri dicendi* which led to immodesty and bold assurance on the part of the pupils. Perhaps it was in this way. Latin themes being proposed, the young persons were encouraged to deal with important matters of Roman politics, Roman history and Roman law, in a manner that was unwholesome and intolerable to the habits and judgments of moderate conservatives such as L. Crassus was. It was all very well to have them deal with scholastic themes and Greek subjects, particularly the suitable however well worn ones handed down in a long tradition of teaching and learning.

We know the name — and but little more — of the man who is recorded by Cicero, by the elder Seneca and by Quintilian, as

[1] *de Or. 3, 93.*

[2] The MSS. reading "*humanitatem dignam scientia*" was aptly changed by Lambinus (1520–1572) into what is now universally read: *humanitate dignam scientiam.* Cf. Piderit's note on *de Or. 3. 94.*

the first Latin professional teacher of oratory in Rome, viz. *Plotius Gallus.* Young Cicero would gladly have availed himself of this opportunity. As a mature man Cicero wrote as follows[1]: "I recollect when I was a young person that a certain L. Plotius was the first to begin to teach Latin (i.e. oratory). When there was a rush of pupils to him, because all the most devoted learners were being trained in his establishment, I grieved that the same was not permitted to me; I was, however, restrained by the dominating opinion of mature scholars (Crassus no doubt) who thought that the growth of powers could better be accomplished by Greek practical training." Plotius too was of humble social position, a freedman; his pupils, according to Varro,[2] "bellowed like oxherds, and virtually worked themselves into consumption." We note also that young Marcus Cicero took up oratory and rhetoric before he had completed his fifteenth year, in fact before he took the *toga virilis*, while still moving about with his escort-slave. It does not seem, after all, that his Greek instructors made any great impression upon him.[3] None of them certainly could be compared in this respect, with the brilliant Archias of Antioch, who was more a comet than a fixed star in the didactic firmament. One of the first things in the regular course was a survey of oratory and orators: when they regularly began with Homer and the types of discourse exemplified by Menelaus and by Odysseus, bringing the matter down to Aristotle and Demosthenes and even further. As Cicero reviewed his boyhood and early youth he charged that his rhetorical training was defective especially on the side of Ethics and in the failure to open up some real insight into the laws and government which were to be the concern of his own manhood and active career.[4] Nor did these Greek teachers show how large a function and force in the orator's actual work was this, that he work upon the emotions, such as anger, hatred, grief or pity.[5] It had all been a sing-song delivery of scholastic rules

[1] To a certain Titinius, of whom we know nothing further; Suet. de Rhet. c. 2.

[2] *Nonius Marcellus* 79 (Müller): *Bubulcitare* Varro Manio: "Automedo meus quod aput Plotium rhetorem bubulcitare [instituerat], laterali, dolor non defuit? — *Seneca Rhet.* Controv. 2, Praef. 5. minime probabili more turpe erat docere, quod honestum erat discere.

[3] Repetamque — non ab incunabulis nostrae veteris puerilisque doctrinae quendam ordinem praeceptorum *de Or. 1, 23.*

[4] *de Or.* 1, 85, sqq.

[5] *de Or.* 1, 52, sq.

and definitions.[1] The greater and truer lesson young Cicero, even before his sixteenth year was completed, tried to learn by observing the greatest speakers of the day and the times. The foremost of them all was *L. Licinius Crassus* whose opinion and counsel had been directing all the Roman education of the lads from Arpinum. Even then Marcus (as we have observed before) was filled with a deep and constant desire to trace or discover the essential something which raised the discourse of Crassus above the other speakers and pleaders of his time. The lad even sought speech with the Greek "reader and writer" (Diphilos [2]) of that great man, to gain a closer vision of the latter's manner of working and preparation.

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For young Cicero looked at the great world about him not so much with the eyes of the future man of affairs nor was the coming politician at all concealed in his earlier endowment and concerns. The current government and the chief elements of the state then were deeply at odds with themselves, one may say. The pure and high-minded tribune *Livius Drusus* was endeavoring to improve the courts; the best citizens had been deeply stirred by the outrageous condemnation by the equestrian jury (serving the equestrian class) of the noble and lofty Rutilius Rufus in one of the preceding years. Drusus then strove to deprive the equestrian class of that grossly abused monopoly, by putting some three hundred of the most worthy knights into the great council; to relieve the distress of the poor by assignments of all public land; to expand the state by admitting the Italian allies to the franchise. A majority of the senate supported the tribune. On the other hand the consul Marcius Philippus stoutly opposed all these projects of reform. He declared in a sweeping way that, as for the senate, he found himself deprived of its counsel and support: it had ceased to be that advisory body which ever was to hold up and sustain the hands of the consul, such as the constitutional tradition of Rome required it to be: 'with that senate he could not carry on the government at all.' [3] It was on Sept. 14th, when the Tribune himself had

[1] *de Or. 1, 105:* qui non Graeci alicuius cotidianam loquacitatem sine usu, neque ex scholis cantilenam requirunt. Cf. 137, sqq.

[2] That this matter is put in the mouth of Sulpicius, need not mislead us, *de Or. 1, 136.*

[3] *Cic. de Or. 3, 2. Mommsen R. G. 4, 6.*

summoned the senate and presided over its deliberations, when Crassus, consular and ex-censor, then at the zenith of his powers and fame, but forty-nine years old, in a great speech made rejoinder to the consul Philippus.

It was to be the speaker's swan song: even the excess of physical exertion seems to have exposed the orator to a chill; pneumonia supervened and Crassus expired on Sept. 20th. After the death of his admired exemplar the lad Marcus Cicero repeatedly[1] visited the Senate-house where Crassus had last spoken, as if somehow that noble voice might once more resound in that august chamber. He sought a certain satisfaction by gazing on the very spot where Crassus had stood when he spoke last. But Crassus was spared witnessing the overwhelming evils which were then drawing nigh to the commonwealth of Rome.

[1] ib. § 6 veniebamus.

## CHAPTER THREE

### *TOGA VIRILIS. ITALIAN WAR. FURTHER STUDIES*

It was after the death of the orator Crassus, after September 20th, 91 B. C., that Cicero was given the freedom of movement and the badge of incipient manhood which the Romans bestowed through the *toga virilis*.[1] If this domestic event was set for the next *Liberalia*, that would have been March 17th of the next year 90 B. C. Howsoever that may have been then, as for the matters of public concern, the most important was the tremendous struggle known as the War of the Allies, the Marsian War. The noble reformer Livius Drusus had perished through political assassination,[2] not many weeks before his year of office expired, i.e., before December 10th, 91 B. C. On and after that date began a period of tribulation for the optimates. The capitalistic class had found a vigorous and a reckless tool in one of the new tribunes inaugurated on that date. This was *Quintus Varius*, a man not of Roman, nay not even of Italian birth. Even then ten thousand Marsians under Pompaedius Silo had been advancing upon Rome, but were induced by the persuasion of C. Domitius to retreat. Varius had now passed a Plebiscitum[3] quite irregularly, but he was borne forward on the seething billows of the political tide then running. In this *Lex Varia* it was provided, that trials for high treason (*maiestatis*) should be instituted against those men through whose felonious action (*dolo malo*) the allies had been induced to resort to arms. Had Drusus lived he would have been the first to be indicted. The equestrian class in solid array was behind those prosecutions. What young Cicero particularly observed and followed with consuming interest, was the trials themselves, partly for the pleadings and the forensic happenings, partly because some of the foremost

[1] Cic. Brut. 303: hoc (Hortensio) igitur florescente Crassus est mortuus. . . . nos in forum venimus.

[2] Appian, B. C. 1, 36. In Cicero's later life the settled opinion was, that the tribune Varius was personally responsible for the murder, Cic. N. Deor. 3, 81.

[3] contra intercessionem collegarum, Valer. Max. 8, 6, 4.

orators of the day were there themselves put upon their defense. Everything that occurred, sank deeply into his soul. We will not forget that the class which forced the Varian law and thus began their revenge for the fear and distress suffered during the greater part of this year was also the same class that still manned the juries and thus controlled the verdicts. Some of the victims chosen by the Knights did not even wait for their trial, but went into exile immediately. For the first time in his life [1] young Cicero could move about freely and attend everything; evidently the lessons of the Greek rhetoricians were definitely over. These trials bye the bye under the Varian law were the only ones passing over the boards at that time. While a goodly number of distinguished members of the senatorial party went into exile, the fate of none of the victims grieved young Cicero so deeply as that of C. Aurelius Cotta, an uncle of Caesar's and a forensic follower of the orator Crassus. All this probably took place before the Kalends of January 90 B. C., when L. Julius Caesar and P. Rutilius Lupus took office. Even Antonius, the orator and consular, was haled before the Varian jury, but defended himself successfully; what young Cicero was most deeply impressed with was this, that in the intensity of his defence the vigorous and adroit pleader actually bent his knee before the jury.

## 90 B. C.

He certainly was acquitted, and in order to demonstrate to public opinion the purity of his political convictions, Antonius, elderly man though he was, served in his first campaign of the War with the Allies. In Cicero's life that January completed his sixteenth year. Unfortunately for his germinating professional life-purposes no other courts were then held. The senate by a special decree closed all other courts. They were deeply convinced that some further and wider breach in the relations of the two ruling classes would result, whereas the conflagration ever spreading of the Italian war needed all the resources and all the harmony possible of the commonwealth. Even Hortensius, then a brilliant star in the forensic firmament, was away in the field and, moreover, in 90 B. C. as a private soldier. Even old Marius took the field as a *legatus*, operating, however, with a corps of his own. There were the usual prodigia to add to the popular

[1] me cupidissimum audiendi *Brut.* 303, *de Or.* 3, 11. Why did Cotta request Aelius Stilo to write a speech for him (Brut. 205)?

consternation: certain figures for worship (*Simulacra*) perspired; blood oozed from others; the heavens were rent; at Lanuvium — and this sign was the most ill-boding of all, according to the official exegesis of the haruspices — certain shields (in the temple of Juno Sospita perhaps) [1] were gnawed by mice. The Marsians, Marrucini, Paeligni, who had risen, were all in districts not so very remote from Arpinum, and these communities, in a civic and military sense, were all of the very flower and fibre of Italy. There are scholars like Hand [2] who assign to this year young Cicero's hexameters, the Aratea.

Aratos of Soloi belonged to the generation of Kallimachos and Menander and wrote epics on the starry firmament without any scientific knowledge of astronomy, de Or. 1, 69. He enjoyed much favor with potentates of his time such as Antigonos of Macedon and Ptolemy Philadelphos. vid. article in Wissowa by Knaack. The chief edition of Aratos is by Maass. Did Cicero make the choice alone or at the suggestion of a grammaticus? In 44 B. C. Cicero wrote that he composed these hexameters as a very young person indeed (de Nat. D. 2, 104: utar, inquit, carminibus Arateis, quae a te *admodum adulescentulo conversa sunt*).

As a man Cicero was probably not proud of his youthful things, but perhaps pride and youthful ambition prompted their production and publication, if there was such a thing at that time. It was chiefly to gain some early reputation: not all eminent men, when young, are patient and self-contained like Helmuth von Moltke. Daily young Cicero "wrote, and read and took notes"; [3] that is, he wrote set pieces which were either orations outright in form or composition designed to develop that faculty; while "the taking of notes" may have referred to Greek books from which he made Latin excerpts. At the same time the practical exercises in oratory and declamation went steadily forward.

## 89 B. C.

In this year the terrible Italian war went on. The consuls and chief commanders were Cn. Pompeius Strabo and L. Porcius Cato. Cicero was now seventeen, and as every one served in

[1] It is curious that Cicero in his later life, in 45–44 should have drawn upon Sisenna for these data (de Div. 1, 99). *Suringar* (p. 542) probably errs in assigning the *Lex Varia* to the year 90. B. C.

[2] Ersch & Gruber, Encyclopaedie, vol. 17. p. 240. Teuffel Röm. L. G. 177 a, n. 1.

[3] Cotidieque et scribens et legens et commentans Brut. 305.

the army, the spring saw young Marcus Cicero a recruit. He seems, however, to have been attached in some capacity to the *praetorium* and the person of the consul Pompeius Strabo [1] himself. The following incident the youth witnessed in person. There was a conference between the Roman consul and Vettius Scato, a leader of the Marsians. Strabo for this occasion had summoned from Rome his own brother Sextius Pompey,[2] that he might share in the deliberations. When Scato had greeted the consul, the latter [3] said: "What shall I call you?" The other said: "As far as my wishes are concerned, a guest-friend, as far as a necessity, a foe." In that conference mutual forbearance prevailed; no fear, no suspicion was lurking in their minds. Hatred, too, was moderate. For the Allies aimed, not at wresting the citizenship from us, but at being taken into it. This was a political reminiscence to which Cicero gave utterance in the last year of his life. This it was which abided in the soul of the youth and was treasured there. Even then, in his eighteenth year, those things impressed him most which made for composition, equity and peace, and for a greater Italy. As for bloodshed, the onset of legions, marches, sieges, battles, gleaming eagles and the shouting of the captains, we search in vain for any traces of them in all the wide domain of his literary production. Such things did not appeal to his ingenium in the least: least of all, when the contestants ought not to have gone to war at all. In that campaign and perhaps in the very *praetorium* young Marcus for the first time came into some contact with the consul's son Gnaeus Pompey, his own junior by half a year,[4] destined to be called *Magnus* by the foremost man of the times before a decade had quite gone by, and destined also to be Cicero's powerful if somewhat condescending friend, in the years of their political manhood that lay ahead.

Young Cicero was then in his eighteenth year: the forensic opportunities for observing courts and models of oratory were just then suspended. The peninsular war had engrossed all minds and all public activities. In the autumn of this year probably, when the young recruit had returned to the quiet

[1] Plut. 3 makes a slip: ὑπὸ Σύλλᾳ.

[2] A distinguished jurist, cf. Pomponius, de Origine Juris (in Digest.), 40.

[3] Cic. 12 Phil. 27.

[4] *Vell. 2, 29, 5.* hic a toga virili adsuetus commilitio prudentissimi ducis parentis sui. . . . *cf. Cic. Balb. 9.*

household of the *Carinae*, he began to take up the civil law.[1] It was done in the concrete and practical way which had been the Roman way for some time. Meanwhile, too, in the surging waters of political unrest at the capital a certain ebbtide was setting in: the "mongrel" Roman and political agent of the capitalists, Varius himself, had come to the end of his career, being found guilty under his own law and sent into exile. Every one now could see, that the very enactment [2] of that stupid and malicious measure had vastly added to the spread and to the intensity of that anger and bitterness whch had caused the entire war. Thus the Spaniard-Latin in a manner was indeed the victim of his own law.

It was about this time, then, that Cicero was admitted to the company of the venerable Quintus Mucius Scaevola.[3] There, in the atrium of the great jurist, he was permitted to listen to the professional counsel given to consulting clients. The augur was then some seventy-one years old, having been consul twenty-eight years before, in 117 B. C., before the fame of Marius had even begun. Civil law was still taught in this way, distinctly as a personal favor, and in the family of the *Mucii* expert knowledge in the civil law had been maintained for several generations. Apart from actual pleading (then somewhat in abeyance on account of the war), the three forms of activity for Roman jurists were *consultation*, *reading* and *authorship*.[4] Pomponius, also, whom we may at once call by his later name of Atticus, was admitted to such attendance in the morning hours at Scaevola's.[5] We may believe that the young Arpinate worked, as he always did, with earnestness and zeal. At the same time the endless *minutiæ* in questions of status, of property, usus and usufruct, servitudes, wills and succession, of contracts and forms of litigation did not appeal to the intellectual personality of young Cicero and to his deeper gifts. He gained a certain familiarity with the civil law; but when he became an active *patronus* it was only in the earlier stage that he chose a few civil cases for publication. In time he came to be quite fond of gentle quizzing and

[1] Certainly before the expiration of 89 B. C. *Brut. 306.*

[2] Botsford, Roman Assemblies, p. 401. n. 1.

[3] Brut. 102. De Or. 1, 39; 214; 234.

[4] Responsitare, lectitare, scriptitare. Cic. de Rep. 5, 5. Another term was *ius respondere.* Cic. Legg. 1, 12.

[5] Legg. 1, 13.

persiflage, directed at the petty detail and the endless technicalities inherent in this department of his general profession. He considered it, in time, as being somewhat below the norm of his best powers and ideals. And besides this, his mental peculiarity led him more to interest himself in the larger views of things, and he greatly preferred to deal with underlying principles and general truths.[1] *The Twelve Tables* still seem to have been the practical basis of all searching inquiry in any given case [2] in his youth. But to return to the venerable jurist. It was at daybreak that these conferences with consulting clients were held, and they were open to all who desired his assistance.[3] He never received them on his couch, which his advanced age might have excused. His entire personality, not less than his mastery of the civil law, seems to have captivated the youth whose mind was so receptive for every form of excellence. And so later in life Cicero honored the memory of the augur Quintus Scaevola in his books. He was the son-in-law of Laelius, friend of Scipio Aemilianus, and in his company young Cicero could well feel some affinity with the greater and nobler generations of the past. Scaevola was an adherent of that most virile of philosophical sects, the Stoics. A gentle humor and a sunny disposition seem to have made his conversation particularly delightful.

## 88 B. C.

This year was one of great issues and attended with civil and political crises. Abroad a great war had arisen, due in part to the duplicity and unfairness so common in Rome's foreign policy. Mithridates, king of Pontus, not content to claim his own, was now exerting himself on a vast scale to drive the Romans out of the continent of Asia. The lot had assigned this eastern war to Sulla: these campaigns then were considered merely as a splendid prize for the lucky Roman commander. Sulla, however, with his army still tarried in Campania, where embers of the Italian war were far from extinct, menacing the government at

[1] Cf. his term of the *universum ius* Legg. 1, 14. Quam ob rem quo me vocas, aut quid hortaris? ut libellos conficiam de *stillicidiorum* ac *de parietum* iure? an ut stipulationum et iudiciorum formulas componam?

[2] Legg. 1, 17.

[3] Est enim sine dubio domus iuris consulti totius oraculum civitatis. Testis est huiusce Q. Mucii ianua et vestibulum, quod in eius infirmissima valetudine adfectaque iam aetate, maxima cotidie frequentia civium ac summorum hominum splendore celebratur *de Or.* 1, 200.

Rome. At this time the eminent and rising orator, *Sulpicius Rufus*, then tribune, spoke almost daily from the rostra to the electorate of Rome; young Cicero heard every speech with keen interest and consuming attention, but was really more devoted to solving his manner and the essential points of his oratorical power, than attentive to the measures or policy of the tribune.[1] His style was lofty and reminded the youth of the solemn dignity of a tragic actor, coupled as it was with the rare gift of winsome elocution and gesture; in short, he was a great artist in his larger forensic efforts and carried the people with him. We must not relate in detail the political history of this turbulent year, how somewhat abruptly Sulpicius wheeled about in his politics; how he became an advocate of measures which were to strip Sulla of power and put the septuagenarian Marius in his place; how, further, the political status of the new citizens was to be so determined that their suffrages should duly count. Thus came civil war, short, sharp and decisive. Sulla had [2] convinced his troops that Marius would use other soldiers who eventually were to divide the loot of the East. Sulla's sword denied the legality of the Sulpician *plebiscita;* it was a bloody victory of a faction, albeit the conservative faction. So Marius and eleven other leaders of the *populares* were declared public enemies. This was immediately after Sulla had seized the city. Only the frail and aged Augur [3] Scaevola had defied the new dynast to his face and protested in the senate against this resolution. But the jurist seems to have lived to witness the return of Marius and died soon after, when young Cicero was permitted to go on as a student of civil law by listening to the consultations held at the house of the Pontifex Maximus, C. Mucius Scaevola, a younger kinsman of the augur, a son in fact of a cousin of the latter, and colleague of the deceased orator Crassus in many important offices. This Scaevola some five or six years before had governed the province of Asia with exemplary equity and justice, so that he had earned the ill-will of the Roman *publicani* or tax-farmers. A true Stoic in his practical fidelity to moral and rational convictions, he had not hesitated to oppose or thwart the ambitious designs even of intimate friends.[4] He had resigned from his pro-

[1] Brut. 306. cf. Nepos, Atticus 2, 1. Sulpicius thus was 36 years old.

[2] App. 1. 57.

[3] Valer. Max. 3, 8, 5.

[4] Asconius, p. 15, Or.

vincial *imperium* before the allotted time, purely to save the home treasury expenditure. One of the necessary things in making an orator was the acquisition of *exempla* and the knowledge of patterns and precedents: the eager idealization of the uncommon, a deep trait in Cicero, must here again have found an object which it appropriated with enthusiastic admiration. When we sum up and survey the making and growing of young Cicero, we distinctly discern that, while socially of the equestrian class, he was really in his preparation for life directed by some of the foremost members of the Roman aristocracy and in accordance with the standards which they maintained for their own sons. We further observe very definitely that two elements of power and lasting influence settled deeply in his being and attached themselves to his ideals: one was great oratory and the other a certain lofty standard, whether revealed in the general conduct of life or in public administration. The triumphs of lucre and military renown had no place in his soul.

But to return to the outward course of events: the tribune Sulpicius perished, but old Marius escaped. As for young Cicero, this rapid and grave series of events cannot but have cast a gloomy veil over much of his own ambition. The power of political oratory he had deeply felt, but the swift death of L. Crassus, the exile of Cotta, the political sacrifice of Sulpicius, must have greatly impressed his mobile soul. Political oratory, at least to his perception and observation, was surely an uncertain and dangerous career. The greater was the earnestness and the energy with which he now took up the study of Greek philosophy. The democracy of Athens had acclaimed Mithridates as the deliverer of the Hellenic world from the Roman yoke. Thus Philon of Larissa with other conservatives had fled from Athens.[1] For his support the professor, then the *Scholarchos*, or official head of the Academic Sect at Athens, was ready to give instruction at the capital. This teacher and his lore made a much deeper impression on Cicero (then in his nineteenth year) than the arid details and definitions of the civil law. He devoted himself to Philo with unreserved enthusiasm, and the more so for a good reason. It did seem then (as he himself wrote forty-two years later) as if the regular system of trial by jury was done away with at Rome. Such at least was the feeling of the youth whose horizon and perspective was not large as yet.

[1] Brut. 306. Plut. Cic. 3. — Cic. Tuscul. 2, 9.

The prospects of forensic fame seemed gloomy. Now Philo had in his repertory a certain discourse which probably furnished an introduction to his systematic instruction; it was a hortatory [1] lecture in which he compared the philosopher with the medical practitioner. Many theses of practical life were discussed, more as problems to be proven or disproven, than as a series of dogmatic axioms or maxims. The school was strong in presenting theses and antitheses for every subject of inquiry. This peculiarity called for strong development of the dialectic and argumentative faculty in its pupils. One can readily understand how all this furnished material advancement for the peculiar *ingenium* of young Cicero. We are told that among the subjects so treated by Philo were these, "Whether a man of understanding should enter public life or share in the life of political leaders, whether the wise man should marry, what was the best form of government, whether offices should be made common or given as an honor to the most worthy only." We know that this thinker personally stood with the aristocratic faction of his adopted city of Athens. As for the Epicurean system, young Cicero had gained some acquaintance with it even before he met Philon. It was in Rome, through Phaedrus,[2] an earnest expositor of that widespread doctrine. It seems that Cicero's comrade Pomponius (Atticus) about this time became a follower of that school. Cicero studied the tenets of the Garden with care, but Epicurus never swayed his life nor appealed to his deeper sympathies, either in the domain of metaphysics and morals or in the deliberate indifference of that system to deeper culture and erudition as worthy pursuits in any given human life.

## 87 B. C.

In January 3 of this year the young student was nineteen years old. On the Kalends there were inaugurated two consuls of whose election Sulla had not merely approved, but for whose administration he had assumed a certain responsibility. One of these was *Cornelius Cinna*. Marius, hunted like a wild beast, had finally escaped to Africa. A kind of immunity seemed to hedge about the saviour of Italy and the preserver of the empire. Sulla had sailed across the Ionian Sea to lay siege to the citadel of culture, even of Roman culture, the city of Athens. In this

[1] Stobaeus Ecl. 2, 46, sqq. προτρεπτικὸς λόγος.

[2] Fam. 13, 1, 2.

year, then, when Cinna was expelled by force of arms from Rome, when the young student saw the Forum streaming with the blood of citizens,[1] and when peace and a settled forensic career still seemed far away, Cicero in his father's house in the Carinae more than ever settled down to a life of study and hard reading. His father had made some extraordinary provision for this end. He had taken into his house and household a Greek scholar and teacher, Diodotos. To pursue Greek philosophy daily, and that too with an earnest professor of the Stoic sect, meant much to the rapidly maturing youth. This was the time when an intellectually-minded ingenium would naturally seek after some well-founded and permanent basis of living and thinking. A Greek also, a certain Apollonios, perhaps a literary slave, who later became a freedman of Publius Crassus, seems to have shared in this instruction.[2] As a mature man, in the reminiscent survey of his Greek teachers, Cicero assigned to this domestic tutor a name and place with Philon and Antiochos, nay even with the greatest of them all, Poseidonios.[3] Diodotos was a man of wide attainments, and even when in the course of time he had lost his eyesight, he still pursued scholarship. He was familiar also with mathematics. When Cicero married and set up his own establishment, this relation was not discontinued. The Stoic died in Cicero's mansion on the Palatine in Caesar's consulate, 59 B. C.,[4] only one year before his friend and pupil was driven into exile. Cicero inherited the old scholar's fortune, which was not inconsiderable. We are reminded of what Polybius and Panaetius had been to eminent Romans of a former generation. The study which in the exposition of Diodotos seems to have made the greatest impression on Cicero, was Logic, in which the Stoics were adepts,[5] and the connection of which with the faculty of debate and exposition must have been particularly attractive to the quickwitted and persistent student. Dialectic was related (the Stoics from Zeno down claimed) to practical oratory as is the closed fist to the opened hand: the same thing at bottom but in a different appearance and mode of presentation. We

[1] *Cat. 3, 24:* Cn. Octavius armis expulit ex urbe collegam: *omnis hic locus* acervis corporum et civium sanguine redundavit.

[2] Fam. 13, 16, 4.

[3] Nat. Deor. 1, 6. cf. Brut. 309.

[4] Att. 2, 20, 6.

[5] Prantl, Geschichte der Logik.

will note at once that Cicero as he passed from Phaedrus to Philon and thence to the more enduring influence of the domestic friend and tutor, gaining knowledge of three schools, was, by this very mode of entry, set in the path of certain eclecticism. This indeed he pursued to the end, with a deep admiration for Stoic ethics, with a certain personal affinity for the adroit dialectic fencing of the Academy, and with a certain pride and quasi-professional loyalty connecting himself with Aristotle and Theophrastos as the real founders of the science and scientific study of Rhetoric. So he lost not entirely the advantages of a thing quite impossible at that particular time, viz. of a sojourn at Athens. At the same time the studies and the training nearest to his heart were in no wise abandoned. The taking of notes [1] from Greek books went on apace. At the same time practical exercises in oratory were held; this was later on called *declamare:* it seems it was a debate on a quasi-forensic theme in which two were engaged, representing the opponents in an actual given case. Such then were Q. Pompey,[2] some two years older than Cicero, a hard worker and good scholar; Marcus Piso; perhaps also P. Autronius Paetus, who possessed no requisite for oratory but a very loud voice and a very shrill delivery.[3] Many of these rhetorical exercises were carried on in Latin, but more in Greek, "either because, Greek delivery furnishing more graces and embellishments of expression, *produced the habit of speaking in Latin in a similar way,*" or because Cicero could neither be corrected nor taught by Greek teachers of eminence, unless he spoke in Greek.[4] Almost every year now showed how the greed for power, the rising intensity of faction, were always ready for practical revolution. The one main condition of success in the struggles which marked the irresistible disintegration of the commonwealth was the attachment of a superior army. It is customary to call it civil war, but it was something for which a less respectable name should be found.[5] The Settlements of each faction when victorious so violently unsettled the status of the others, that nothing could be considered abiding unless it was the extinction of the defeated. Thus Cinna attempted to recall the attainted

[1] Commentabar, Brutus, 309.

[2] who later organized the province of Bithynia Brut. 240.

[3] Brut. 240. Cic. Sull. 18.

[4] Brut. 310.

[5] Lange, 3, 128.

leaders of the popular party and to enroll the new citizen in all the thirty-five tribes of the electorate. His colleague Octavius (as noted above) drove him from Rome by force and had the senate appoint the Flamen Dialis, Cornelius Merula, in his stead. We cannot here follow in detail the violent vicissitudes in the struggle for control. Here Pompey's father Strabo might perhaps in the end have gained the power which he evidently was seeking (to be the arbiter among the contending factions), when he was carried off by an epidemic. Cinna and Marius triumphed in the end, and Rome was at their mercy. Late in the year old Marius began to satisfy his hatred and revenge, the craving for which had been greatly whetted by the bitter and precarious exile from which he had returned. Now young Marcus Cicero witnessed once more in that particular sphere of life to which he was himself aspiring, the misery and the desolation wrought by the fury of the civil wars. Cinna and Marius treated Rome as a captured city. Nearly all the greater orators then in Rome fell victims to the fury and class-hatred of the old campaigner. How completely happy now to the young Arpinate must have appeared the end of the orator Crassus, four years before, now, when Cicero saw the head of Antonius[1] exposed to the public gaze on the very rostra where that orator had so often displayed his noblest powers; not far away were to be seen the heads of C. Iulius Caesar and L. Caesar Strabo, whose wit and humor the enthusiastic student had so profoundly admired. The pontifex Scaevola then escaped; perhaps there was some remnant of reverence for his great office. The father of the later Triumvir Crassus anticipated the murderers by suicide. Similar was the passing of Catulus, who some fourteen years before had shared with Marius the glory of the great victory over the Cimbrians on the Raudian plains.

### 86 B. C.

Marius and Cinna were consuls. There was a mere rump of a senate left at the capital. Young Cicero had heard Marius speak after his restoration,[2] perhaps a contio on the Forum, perhaps on the very Kalends of January, in connection with his inauguration. The old general there viewed the misery and distress of an exile in which his (adopted) son had shared, when he,

[1] de Or. 3, 10. In his reminiscent mood Cicero disregards chronological order.
[2] Cic. Post red. ad. Quirit. 20.

Marius, in Africa, had come as a suppliant to the very princes, to whom he had once given thrones, the rulers of Numidia. But Cicero heard him going on thus: "that, after he had recovered his public station, when there had been restored to him the things he had lost, he would not dispense with the valor of his spirit which he had never lost." And this "valor of his spirit" found vent in a ruthless massacre of the aristocracy. Clearly the old man made the conservatives *collectively* responsible for what he had suffered, reckoning too little of Sulla's sword, by which those measures of attainder had been decreed and dictated. On January 13th Marius died in his bed; how peacefully, who would say? Poseidonios had come from Rhodes on a public mission not long before. The Greek scholar had had an audience with Marius in the latter's mansion when Marius was already ailing.[4] A pleuritis carried him off. Again young Cicero was wrought up to a pitch of intense interest: for was not Marius a name which every Arpinate held in the highest honor? On Marius certainly his young fellow townsman wrote a poem, called, "Marius." When was this composed?

The one important passage (de Divinatione, I, 106) preserved, does show clearly that the poem was written after the return of Marius from exile. An eagle wounded by the bite of a serpent slays the same, and (1, 6) "having avenged his severe pangs, casts it away dying and mangled into the water and turns himself from the setting of the sun to the gleaming east. When Marius beheld it with soaring swooping wings, Marius, interpreter of the divine manifestation, marked the prosperous omens of his own glory and return; the Father himself thundered in the left section of the heaven. Thus Jupiter made sure the manifest (clarum) omen of the eagle." One may conceive it intrinsically probable that the gifted, impulsive and enthusiastic young man of letters, stirred not less by the overwhelming import of the moment than by Arpinatian pride, should have conceived and executed such a literary design at all. At the same time it is difficult to understand, why the reign of terror attending the veteran commander's return should not have utterly checked, if not smothered the elaboration of such a theme at that particular time. Of course the Arpinate in Cicero was strongly stirred; he referred to his own native country, "the cradle of his life," "the mountains of his fathers." Little doubt that the triumphant return and the speedy death of the mighty Arpinate had been the occasion for the poem. It is difficult to conceive such a publication under Sulla whose hatred for the fame and memory of his adversary was so intense. Whether it was the augur or

[1] Plut. Mar. 45.

the pontifex Scaevola who commended the verses (Legg. 1, 1, 2) is not quite certain: on general chronological probability it might have been the pontifex, but a daughter of the augur was married to the younger Marius (Plut. Mar. 35).

Some time[1] in 86 probably, it was, that Cicero's bosom friend T. Pomponius left Rome and went to Athens, removing from the seething vortex on the Tiber not only his person but also his fortune. Sulla took Athens by storm on March 1; it must have been some time after this date that Pomponius established himself by Parthenon and Lykabettos. Though but twenty-three years old at this time, the self-exiled comrade of young Cicero (whom from now on we will call Atticus) took a step then, which exhibited remarkable clearness of judgment in so young a man. He had lost his father early and seems to have derived greater independence and self-reliance from this bereavement. Ostensibly he went away to study, and in time no doubt became the most cultured Roman financier of his day; mainly, however, he migrated to the banks of the Ilissos to keep aloof from entanglement in the civic broils and furious partisanship of which he saw no end. He was a shrewd capitalist and marvellously adroit in maintaining for his person amicable relation with men of all parties and with characters of every type.

[1] Nepos Atticus 2 is confused as to the sequence of data.

## CHAPTER FOUR

### *THE YOUNG AUTHOR*

When Cornelius Cinna ruled Rome and Italy, the republican form and the outward countenance of the commonwealth were unchanged. At the same time there was no genuine government either of the people (whose champion Cinna pretended to be) or of the senate, or of any combination of both. In 86 the consuls were Cinna and Marius; the latter's place was taken by Valerius Flaccus. In 85 the consuls were Cinna and Carbo. In 84 the consuls were likewise Cinna and Carbo. They had themselves returned for two consecutive years as chief magistrates.[1] Sulla's laws of 88 B. C. had been formally cancelled. There was even a census in 86. What *Lectio Senatus* may this have been, when so many heads of the aristocracy were in Sulla's camp? But Cinna ruled in accordance with his own whim and will, and he was extremely cruel besides. (N. D. 3, 81.) The equestrian class meanwhile, the bankers, investors, and promoters, were doubly active at home to recoup themselves for losses consequent upon the temporary occupation of Asia Minor by Mithridates. As a class these financiers in a way stood quite solidly for the new ruler. They must, as practical students of current affairs, have been substantially convinced, more than fairly satisfied, that Sulla would never return or control. They enriched themselves under Cinna's government.[2]

About this time a distant kinsman of Cicero's attained a kind of fame for his day and time. This was *M. Marius Gratidianus*, a very zealous and clamorous member of the popular party. The fact that he was twice praetor abundantly proves that he was a satellite of Cinna. A grandmother of Cicero was a Gratidia. One of her nephews was adopted by a Marius, probably a brother of the great Marius. This cousin of Cicero's father thus assumed the most renowned name in all that Arpinatian region and was

[1] Liv. 83: ab se ipsis consules per biennium creati.

[2] Ascon. p. 90 Orelli: Equester ordo pro Cinnanis partibus contra Sullam steterat, multasque pecunias abstulerant, ex quo *sacculariі* erant appellati, Lange, 3, 136.

called consequently Marius Gratidianus. His style of eloquence was best suited for noisy crowds on the Forum,[1] but not for refined ears. This popular politician, whose name was one of his chief assets, as praetor resorted to a politician's trick to outdistance his colleagues in the pursuit of public favor. There were then in currency many coins, particularly *denarii*, much below the standard of weight. Thereupon all the praetors took steps to settle this matter by an *edictum* (or proclamation) which was to be officially issued at a certain hour, but Marius Gratidianus, straight from the private conference, proceeded to the Rostra, where personally and alone he issued this important official announcement.[2] So lively was the gratitude of the public, that statues were erected in his honor. In the last years of his life Cicero condemned the morality of this personal action; still even then he referred to him as a kinsman (noster Gratidius). All this must have greatly stirred the little Arpinatian family circle in the Carinae.

About this time i.e. when Cicero was 20–21 (Off. 2, 87) he made a Latin translation of Xenophon's *Oeconomicus*, a notable production in the eyes of Jerome as late as 380 A. D., after his version of Aratos, the latter affirms. Did Jerome transcribe from Suetonius? Perhaps the third book, dealing with agriculture, was the most important in the estimation of Roman readers. We notice that Cicero published it: originally it was conceived as an important exercise in Latin expression. With the active ambition, never merely dormant in Cicero's breast, the step from production to publication was probably made without much hesitation. The young scholar, still barred from practical oratory and filled with a consuming desire to have his name noted and known, decided to make a book in Latin, dealing with the theory of Rhetoric at large. And before and during this time his professional and cultural industry moved forward incessantly. Many things in the passages of *De Oratore* which are put into the mouth of the orator Crassus, must really be understood as autobiographical of Cicero himself and describing in a way his own making, e.g. de Or. 1, 154: "in daily notes with my pen (commentationibus) as a young person I was wont to set before me that training particularly . . . having taken some lines from a poet, lines pre-eminent for weighty meaning or having read some speech to a point of extent which I could comprehend in memory, I reproduced the very subject-matter which I had read (but) with different words and as choice words as I possibly could. But afterwards I observed that this procedure had *this* fault, that those words which were most specifically suitable, had been appropri-

[1] turbulentis contionibus Brut. 223.

[2] Cic. Off. 3, 80.

ated already by *Ennius*, if it was his poetry that I was practicing on, or by Gracchus if I perhaps had set a speech of his before me, that consequently, if I used the same words, I gained no advantage, and if others, it was even a hindrance towards advancement, since I formed the habit of using less appropriate words. Afterwards I determined, and I followed this practice in my youth, to translate the speeches of the greatest Greek orators. After their perusal I gained this result, that when I reproduced in Latin what I had read in Greek, I used not only the best and still current words but even latinized certain words by imitating them,[1] which were new to the Latin world, provided they were only suitable." So we see that Ennius and Gaius Gracchus were among the chief Latin classics studied by the nascent author and stylist. It was all a new world: the field of Latin prose expression was still a comparatively fresh field, and young Marcus Cicero felt within himself the conscious power to take it up and advance to a much higher excellence. Long then before he took sides, or even thought of any active career in the restless and seething caldron of Roman politics, it was the sense of form and the faculty of expression in his native tongue which concerned him deeply, nay which seems to have engrossed him. Here he knew he was bound to excel, this he felt to be his province. He was convinced that the day would come when he would be a master, perhaps *the* master, of Latin prose and would be so acclaimed by his own generation.

In those days under Cinna when genuine oratory at the seat of government was in abeyance and the free play of eloquence was at a low ebb, Cicero, not yet known as an orator, published his *Rhetorica*, a manual.[2] There has been a world of computation and speculation expended on this early work of Cicero, the earliest we possess in such measure as he left it. This is due partly to the interest in the work itself as an early Latinization of a part of the current system (*τέχνη*) of Greek Rhetoric, and partly because, about the same time, there was composed in Rome, and published, a Latin Manual in four books, dealing with the entire domain of Rhetoric, addressed to a certain Herennius. Both writers, in the main, latinized a Greek original, and, evidently, the same one: a prominent feature of both is the theory of *Status*, so called.

The heavy element of identity has led scholars to rash assumptions. Of all these the most reckless and absurd is this, that young Cicero had the older man's latinization before him as he wrote. Now it is

[1] *imitando*, i.e., by coining Latin words by analogy or by the etymology of the Greek which he had before him.

[2] though merely a *torso* in point of complete execution, dealing merely with *Inventio* (*εὕρεσις*).

quite clear that even at this point of his career the young Arpinate has set before him as one of the objective points of living and striving the faculty of Latin writing, of Roman authorship, in which domain he had well grounded expectations that he would surpass in (prose) what had been achieved hitherto; that the censor Cato, that Gaius Gracchus, the orators L. Crassus and Antonius would prove for him but stepping-stones to higher excellence, predecessors who were to be obscured by his own production. As for the historians and annalists, they were beyond, — we may confidently say, below — his notice. Now many of the elements of routine (τέχνη) were presented in the scholastic transmission of Rhetoric in a fixed and formular manner, somewhat in the same way as to-day are put forward the axioms and definitions of algebra and geometry. The most puzzling thing for the modern student is this, that certain passages of illustration exhibit identical citations from the extant Roman literature. The common source was the *doctor noster* of the unknown writer, (whom perhaps we may identify as Cornificius) viz. his Greek teacher. The occasional suggestions by both the older and the younger Latin manual-writer as to their originality, very occasional originality, need not be taken too seriously by the modern reader. Thus the auctor ad Herennium (1, 16) says: "In what has hitherto been said, I think I agree with the other authors of manuals (artis scriptoribus, τεχνογράφοις) except in certain new points which I have devised (excogitavimus)," etc. And young Cicero actually (2, 4) goes so far as to compare his work with the eclectic procedure of the famous painter Zeuxis, when he painted his Helena at Croton. So the young author claimed that he had not used a single or individual exemplar or model (as e. g. Hermagoras). On this point his pretensions are somewhat strong: "for gathering together all writers (i. e. of Rhetoric) into one place we selected (excerpsimus) that, in the didactic presentation of which each one seemed to excel. Did he know Aristotle's συναγωγὴ τεχνῶν? It is true a certain eclecticism and rapid appropriation were inbred in Cicero's very bone and marrow, his own faculty being adroit and forceful presentation of such material. We may assume however that Cicero's father really was generous to his gifted son and provided him freely with a good collection of scrolls containing Greek manuals. But there is in the first book of Cicero also an impressive element of treatment, which the young author did not draw from Hermagoras at all. This was the treatment of Proof and Demonstration (Confirmatio Cic. 1, 54–77). It is applied logic which we meet here. We will not go far wrong in seeing here a practical result of the work which the young scholar had done with Philon and perhaps even more with Diodotos his domestic Greek professor, who lived with him while this book was being composed. In fact the young author elaborates on Induction and Syllogism; does he not, perhaps, set down the instruction or lectures of the Stoic dialectician just named? It is significant for the young author's culture, that whereas at one point he illustrates his

matter from the history of Thebes and Epaminondas (1, 69, sqq.) soon afterwards he finds Carthage and Rome to help him in his theory (1, 72): a distinct citation from the elder Cato. But to limit this important matter to the most essential points, we may at least make one definite observation. Young Cicero does indeed seek the appearance of independence and in the initial parts of his two scrolls we may credit him with a fair measure of fine writing. But the somewhat large and positive references to the great masters of Greek thought we must consider chiefly as recent acquisition from his Greek philosophical teachers, (as e.g. in 1, 61) "But to me the classification seemed more appropriate which divides the matter into five parts, which all those which proceeded from Aristotle and Theophrastus have particularly followed. For just as that former kind of argumentation which is accomplished through Induction was particularly used by Socrates and the Socratic philosophers, so this one which is elaborated through Syllogism has been freely used by Aristotle and the Peripatetic philosophers and by Theophrastus, and subsequently by those rhetoricians who were deemed the most tasteful and endowed with most technical skill." All young scholars feel their attainments more vividly in that adolescent period of acquisition, but we will readily turn to Quintilian, to whom all the work, authority and honor of Cicero was so dear. He held, (3, 6, 59) that Cicero's "Rhetorica" was merely what the latter had learned with a (Greek) rhetor, which matter he arranged for publication. That Cicero was trained by Greek rhetors only we have seen above. But Cicero after disposing of the intricate and highly technical doctrine of *Status* (i. e. the entire range of positions [1] assumed or assumable, in the struggle between prosecution and defense, the essential thing in the entire doctrine of proving and disproving)—he did not go on. The "Rhetorica" of Cicero never reached that, which to him personally was so deeply congenial, viz. style and expression (*περὶ φράσεως*), delivery, and memory. But why not? Perhaps it was the publication of the complete manual *ad Herennium* which influenced him not to continue and complete his own work. When working on his first book, he intended to write a complete manual (ars). [2] The work has thus remained a torso. In his noonday of power and undisputed primacy he would have gladly disowned the bantling, and was sorry he could not recall the publication. When he composed his brilliant work *de Oratore*, that early work impressed him as crude and primitive.[3] And besides this, the ascent of his oratorical career made him more and more impatient with the dry definitions of the schools, as, later, a Raffael or a da Vinci at the height of their production, might have looked down upon any elementary treatise on perspective and drawing.

[1] Quintil. 3, 6, 12 quod maxime liquere iudici velit.

[2] 1, 29: quo de genere dicendum est in *praeceptis elocutionis.*

[3] *de Or. 1, 5:* quoniam quae pueris aut adolescentulis nobis ex commentariolis nostris inchoata ac rudia exciderunt.

As for Cicero's competitor and older contemporary who did complete and publish a manual in four books, he curiously manifested his political sympathies and partisanship. In fact one may say with confidence this work was published or written before Sulla returned from the East. The Roman orators of the past are Cato, the Gracchi, Laelius, Scipio (Aemilianus), Galba, Porcina, Crassus, Antonius, the others (4, 7). The two who overshadow the rest, are Gaius Gracchus and Crassus (4, 2). His illustrations of style are of the author's own devising and composition. They are Latin and of Latin and Roman subject-matters, such as might be pleaded before Roman juries. The author is a warm adherent of the popular party. Tiberius Gracchus and his brother Gaius are martyrs. Saturninus perished through perfidy. To Drusus he turns by way of apostrophe as to another martyr, with deep pathos. The slaying of Sulpicius is referred to as foul iniquity (cf. 1, 25). Marius as returned from exile (4, 68); the allies and their reckless war with Rome (4, 13). The author is conversant with courts and civil law. The fact remains, whatever view we take of the Greek substratum of this treatise, that the author was quite successful in his main purpose, i. e. to produce a Latin Ars in Rhetoric, though Greek technology continued to dominate schools in terms and nomenclature, as we see in Quintilian one hundred and eighty years later. Fr. Marx published the *ad Herennium* in 1894, B. G. Teubner, with Prolegomena of 184 pp. and a very valuable Index Verborum. Cf. Schanz's appreciation and dissent, Geschichte der Röm. Lit. 2nd ed. vol. 1 (1898), pp. 389–393.

As to the young author whose growth and unfolding we would follow, there were two things in his innermost being and so in all the utterances revealing his aims and ideals. *Oratory*, but oratory coupled with philosophy, loomed large there, and in the domain so determined the young scholar looked forward to fame and excellence. On the other hand, government, statesmanship, in fact any political career, were far then from his range of concerns. If we soberly weigh what he had witnessed of the sanguinary struggles, of the alternate rise and fall of the factions, it could not be otherwise. We will readily believe that his industry was remarkable, that his ambition was set on the highest excellence. While Crassus and Antonius still rose high above the generation then passing from the stage, young Cicero did not believe that any of the others flourishing or surviving would prove serious obstacles to his eager hopes.[1] The ears of that day and

[1] cf. *Orator 106:* Ieiunas igitur huius multiplicis et aequabiliter *in omnia genera* fusae orationis aures civitatis accepimus easque *nos primi*, quicumque eramus, et quantulumcumque dicebamus, ad huius generis dicendi audiendi incredibilia studia convertimus.

generation were like men who are hungry and have been fasting; there was a craving for some higher degree of eloquence, which the Arpinate was determined to meet and to satisfy. A certain manysidedness, too, a kind of universality he essayed, which in no wise had been achieved hitherto.

Before leaving this subject I must beg to present to my readers a curious but overwhelming mass of pertinent facts to show, not only that Cicero's culture was Greek in the main, but that it could not well be otherwise. Sometime ago I traversed the Onomasticon of Orelli's edition of Cicero, and gathered thence a conspectus of such Greek and such Latin names as pertain to the history of civilization and to culture, and specifically to letters. The best way will be to simply set them down, Greek and Latin apart, emphasizing the more important ones (in Cicero's cultural concerns) by Italics.

On the Greek side we note: *Academia*, Academici, Achilles, Akusilas, Aeschines Socraticus, Aeschines, the orator, Aeschylus, Aeschylus of Knidos (the rhetorician), Alcaeus, Alkidamas, Alexinus, Anakreon, Anaxagoras, Anaximander, Anaximenes, Antimachos the Epic poet, *Antiochos* of Ascalon the philosopher, Antipatros of Sidon, Antipatros of Tarsus, Antiphon (the orator), Antisthenes, Apollodoros (the chronologer), Aratos, Archias, Archilochos (originator of Iambos), Archimedes of Syracuse, Archytas (Pythagorean), *Aristarchos*, Aristippos (the Hedonist), Ariston of Keos, Ariston of Chios, Aristophanes writer of Comedy, Aristophanes the grammaticus, *Aristotle*, Aristoxenos (the writer on Music), Bias, Callimachos, Callisthenes (historian), Carneades, Charondas (legislator), Chrysippus the Stoic, Cineas, Colotes, Comoedia Prisca, Corax and Tisias, Cratippus, Critolaus, the Cynics, the Cyrenaics, Demetrius of Phaleron, Democharcs, Democritus, *Demosthenes*, Diagoras (the Atheist), *Dicaearchus* (writer on Political Science), Dinarchus, Dinomachus, Diodorus, *Diodotus*, Diogenes of Apollo, Diogenes of Babylon (Stoic), Diogenes the Cynic, Dionysius of Heraclea, Duris, Empedocles, Ephorus, Epicharmus, Epicurus, Epimenides of Crete, Erastosthenes, Eucleides, Eudemus, Eudoxus, Euhemerus, Euphorion (the fashionable poet of the young Romans), Eupolis, Euripides, Gorgias of Leontini, Gorgias of Athens, Graeci Actores, Graeci Ludi, Hecato, Hegesias, Hellanicus, Heraclides Ponticus, Heraclitus, Herillus, Hermagoras, Hermarchus, Herodotus, Hesiod, Hieronymus of Rhodes, Hipparchus, Hippocrates, Hipponax, Homer, Hyperides, Ibycus, Isocrates, Lacedaemonii, Leontion, Leucippus, Lyceum, Lyco, Lysias, Melissus, Menander, Metrodorus, Nicander, Nicomachus, Paeonius (rhetor), Pammenes, *Panaetius*, Pericles, Peripatetics, Persaeus (Stoic), Phaedrus, Philodemus, Philolaus, Physici, Pindar, Plato, "Politici Philosophi," Polyaenus, *Polybius*, *Poseidonios*, Protagoras, Pyrrho, Pythagoras, Rhinton, Sappho (only a work of Art),

Septem Sapientes, Serapio the geographer, Socrates, Socratic Philosophers, Solon, Sophists, Sophocles, Spartiats, Speusippus, Stilpo, Stoics, Strato, Thales, Theodectes, Theodorus of Byzantium, Theodorus of Cyrene, Theophanes, *Theophrastus*, Theopompus, Theramenes, Thrasymachus, Thucydides, Timaeus, Timocrates, Timotheus (musician), Tyrannio (grammaticus), Xanthippe, Xenocrates, Xenophanes, Xenophon, Zaleucus, Zeno. (The references to the Lyrical writers are impressively slight.)

We now append the Latin bearers or representatives of culture or letters or kindred matters. *Accius*, Afranius, Annales Maximi, Atellanae Fabulae, Caelius Antipater, Catius, *Ennius*, Fabius Pictor, Fannius, (annalist), Gellius (do.), Laelius, Licinius Macer, Livius Andronicus, Lucilius, Mucius Scaevola, Naevius, Nigidius Figulus, Plautus, Pontificii Libri, Porcius Cato, Porcinius, Roscius (Comoedus), Rutilius Rufus, Sallustius the Critic, Statius Caecilius, Twelve Tables, Terence, Terentius Varro, Vennonius. A beggarly array. What need then of elaborate argumentation or analytical efforts?

## CHAPTER FIVE

*THE YOUNG PLEADER BEGINS HIS CAREER DURING SULLA'S DICTATORSHIP*

**83-81 B. C.**

A NEW order and an apparent settlement of government and laws came with Sulla's return from the East. That dynast landed at Brundisium with a fleet of twelve hundred transports. At Eleusis he had been initiated in the Mysteries of Demeter and Kora. On July 6th there was a great conflagration on the Capitol, when the most august sanctuary of the Roman commonwealth was destroyed. Cinna, the dynast of Italy, had perished in a mutiny at the hands of his own soldiery, in the preceding year. The machinery of the government, the Curia and consuls, were still in the hands of the popular faction. The class represented by large business and finance on the whole dreaded Sulla. As for Cinna, his very name had come to be a synonym for autocratic rule, for tyranny.[1] With what feelings, with what sympathies or dread, did the little family in the Carinae follow this fresh civil war? If they had learned anything from the course of events, perhaps also from the conduct of Atticus, it was to hold aloof. It is quite difficult to surmise, let alone to determine, what convictions, what attitude toward current events, prevailed there. The brothers certainly were not compelled to enlist in any of the armies which marched out of Rome to dispute with the conservative invader the possession and the control of the government and the laws. Carbo, the successor to Cinna, as factional leader went to the North. His quaestor Verres with the military funds, deserted his principal and joined the invader.[2] Above all, the policy of young Pompey whom the nascent orator had come to know and esteem with an affectionate regard, was among the most decisive in furthering Sulla's success. We will notice but two incidents which came home to Marcus Cicero and his father and brother with peculiar force and concern.

[1] *Victorinus, 1, 70* tyrannumque et Cinnam appellantes.

[2] Verr. 1, 34.

The younger Marius, consul with Carbo 82 B. C., before he took the field in the spring of 82, committed to the praetor Damasippus a cruel and bloody task.[1] He was to execute a number of prominent members of the aristocracy. This was done. Of course there cannot have been any pretense, not even the forms, of any legal prosecution or trial.[2] The occasion itself appears suggestive. For these victims seem to have perished about the same time when the younger Marius, after his defeat at Sacriportus, in the rocky stronghold of Praeneste, was being closely besieged;[3] perhaps this atrocity was committed even before. The adopted son of Marius then was but twenty-six years old. The intensity with which that civil war was carried on is best seen here: mutual extinction was the design of the whole movement. There were put to death, then, at the capitol, even C. Carbo, the consul's brother or cousin;[4] a Domitius Ahenobarbus; Antistius, father-in-law of Pompey (then in the field, and operating in northern Italy as a partisan of Sulla's). But to Cicero and his family the victim at whose violent death they grieved most, was the venerable Pontifex Maximus, the eminent jurist also, whose consultations young Cicero had been permitted to attend, Q. Mucius Scaevola. It seems he sought to flee into the sanctuary of Vesta: the *Regia*, his official residence, was not far away; and within that most venerable shrine, before the very image of Vesta, he was cut down.[5] The aristocrats, however, in time all returned. Sulla's reaction and the settlement of the state in the interests of the Optimates we must not here relate in detail. But as the aim of this work is to present everything as it concerned or impressed Cicero, and particularly how things and men were mirrored in his mind, we may append an estimate which Cicero wrote some 11–12 years later. The autocrat then had passed away, and his life and work somewhat rapidly had become the concern of history (Verr. 3, 81): "There has been but one person since the founding of Rome — may the immortal gods prevent the rising of a second one — to whom the government wholly surrendered itself: constrained by the times and the troubles at home, L. Sulla. He had so great a power, that no one against

[1] Lange, 3, 145. [2] App. 1, 88.

[3] Vell. 2, 26, says it was *while* the battle of Sacriportus was going on.

[4] The only Carbo of any worth, according to a curious survey of the mature Cicero (Fam. 9, 21).

[5] N. D. 3, 80.

the will of that one could keep his property or native city, or life itself; his boldness of spirit was so great, that he did not hesitate to say in a popular assembly [1] that when he sold the property of Roman citizens, he was selling booty which was his own." Clearly the popular faction was virtually a foreign, a hostile country which he had conquered, and which, by the laws of war, was now at his mercy. And in the popular party the Knights as a class had been most conspicuous; under Cinna they had had their harvest. It was then they had filled their purses: the people called them *sacculariі*, as we saw before. (Ascon. p. 90, Orelli.) The aristocratic exiles now had their turn. Of the equestrian class then, several thousand, the promoters, investors, speculators, moneylenders, perished in Sulla's proscriptions. Among the conspicuous victims was a kinsman of the Cicero family; it was Marius Gratidianus, whom we have introduced before. We may assume that with his public record under Cinna, and with the name which he bore, he must have been among the earliest victims. His slayer, too, proved to be an aristocrat whose name in time became very familiar to his generation. It was none other than L. Sergius Catilina. Sulla, if we may believe Seneca,[2] had given orders that his victim's legs should be broken, his eyes plucked from their sockets, his hands cut off before he was killed. He was a personal victim of the dictator, for the victim's name was Marius. Catiline was then the executioner. The awful act was performed before the very spot where, some five years before, (in Dec. 87 B. C.) the remains of Catulus had been cremated. Political and personal retribution was bound up together. We do not know all that Marius Gratidianus had done in the period of Marius and Cinna.[3] It seems the brothers Cicero witnessed all; the younger brother Quintus wrote in 65–64, some eighteen years afterward: "(Catiline) who, while the Roman people were looking on, flogged him with rods of vine through the whole city, drove him to the cremation spot" (of Catulus), "there mangled him, with every torture; while he was still alive and standing [4] cut off his head with his right hand, while holding the top of his hair with his left hand, while rivulets of blood were flowing be-

[1] *Contione:* here Cicero himself may have heard this utterance.

[2] De Ira 3, 18.

[3] Seneca says l. c. dignus erat Marius qui illa pateretur.

[4] *vivo stanti*, reading of Wesenberg in Quintus Cicero's De Petitione Consulatus 10: Ms. in uno instanti, cf. Asconius 84. O.

tween his fingers." Who can doubt that we are reading the relation of an eyewitness? They were all from Arpinum.

Marcus Cicero was on the point of completing his twenty-fifth year. As he lived on and passed more and more away from these times, the large figure of Sulla became ever more odious to him, for the dictator was an exponent of what was most repulsive to Cicero's moral convictions and ideals; nor did the younger man fail to perceive that it was largely through the aspiring captain Pompey that the dictator had gained his power. At the same time the young aspirant for forensic honors saw distinctly that the restoration and wider organization of the courts must mean much to himself. During Sulla's absence "the government was without law and without outward distinction." [1] With Sulla and the restoration of the Optimates there came back also orators and pleaders like Cotta, Curio (the father), Crassus (from exile in Spain). Laws and courts were set up once more. "Then for the first time I began to take public and private cases, not with the aim of learning on the Forum, which most did, but as far as had been in my power to accomplish, I came into the Forum fully trained.[2]

Criminal judicature particularly was newly organized: for extortion (Repetundarum) in provinces, for treason (de maiestate), for murder (de Sicariis et veneficis), for forgery [3] (de Falsis). It was in this new order and always addressing jurors chosen from the senate, that Marcus Cicero began his brilliant career at the Roman bar. He had completed twenty-five years of life and gained a maturity of personal culture quite without parallel for a person of that age in the history of Roman civilization, when at last he presented himself as a patronus of a defendant in a civil case, not in a court presided over by the praetor urbanus himself, but before a special iudex, or referee, C. Aquilius,[4] and a jury.

As every law-case reveals history and national civilization, and as it was either the first case at all, of Cicero, or at least the first one he had decided to publish subsequently, we must present it, if only quite concisely. A certain Quinctius was in partnership with a man named Sextus Naevius. Jointly they possessed certain lands in Gallia Narbonensis, the Roman province in southern France. Gaius Quinctius died there. Some debts

[1] Brut. 227. [2] Brut. 311.
[3] also called testamentaria et nummaria, Lange 3, 165.
[4] Pro P. Quinctio 35; F. L. Keller, Semestria, 1, 1.

remained of obligations payable to Naevius. Publius Quinctius was his brother's heir and went to Gaul in these concerns. Naevius, by the way, was an auctioneer. He promptly secured from a praetor Burrienus a verdict, giving him the estate of the absent Quinctius. This was still in the reign of Cinna. Ours is really a preliminary case (causa praeiudicialis). The main point in controversy (*τὸ κρινόμενον*) is this; must Cicero's client give security, that the judgement in the main case will be paid, if it goes against Quinctius? Cicero bitterly complained that he had to plead first, although he was for the defense. The brilliant Hortensius (44) appeared for the other side. He was then 33 years old and his position on the Forum was distinguished and assured. The earlier part of this civil law case had begun in the pre-Sullan times, "when those men (68) had autocratic sway" (illis dominantibus). Later the agent or steward of Quinctius seems (76) to have been proscribed by Sulla: the litigant Naevius bought his estate at an auction of the dictator. We learn also who induced Marcus Cicero to undertake the case. It was none other than Cicero's instructor in gesture and elocution, the famous actor and stage director in the production of comedy, viz. Q. Roscius. He was such a master of graceful and true delivery and gesture, even ten years before, that a virtuoso in a given sphere of accomplishment was called "a Roscius." The actor was a brother-in-law of the defendant P. Quinctius. He then it was who prompted the budding patronus in many ways, brought out essential facts, and especially filled the young advocate with courage to appear against the two eminent pleaders, Hortensius Hortalus and L. Marcius Philippus.

It seems we have (in Macrobius' Saturnalia 3, 14, 12) a fragment of Cicero's educational training: "And surely it is quite well known, that he, (Cicero) with the actor himself was accustomed to have a trial of power, whether he (Roscius) could utter the same passage a greater number of times by a change of gesture, or he himself (Cicero) could utter the same passage (a greater number of times) by means of his wealth of expression (per eloquentiae copiam). This faculty induced Roscius to be so confident of his profession that he wrote a book in which he compared eloquence with the actor's art. It is that Roscius who was very dear to L. Sulla, and was presented with a golden ring by the same dictator" (i. e. formally designated as a member of the equestrian class). Macrobius probably drew on Tiro for this curious and characteristic trait in Cicero's training (cf. Ascon 49 Or.). It is this quality of delivery and the exquisite art derived from Roscius and from Archias, which baffles us, for we can never hear it more. But this adds enormously to the effectiveness of any given plea. The mere contemplation of the violin once played by a Paganini, a Spohr, a Joachim, aids us but little in our endeavor to understand the witchery of their bow in their own time.

Even here there are abundant evidences, otherwise, of qualities and

powers which even then rendered young Cicero conspicuous, e. g. where he ridicules as incredible the various statements of the other side, e. g. that the Praetor's decree had been carried from Rome to southern France, seven hundred miles, and that Cicero's client had been dispossessed there, all in two days, or at least in less than three. (79) "What an incredible thing! what witless greed! what a winged messenger! The aids and satellites leave Rome, cross the Alps, and arrive in this country of the Segusiavi in two days. What a fortunate man is he, who has such fleet messengers or rather Pegasuses!" Tiro probably told his readers why his master published this speech. But even we may at least utter a conjecture. Perhaps he won: won against the eminent gentlemen on the other side; or perhaps he was distinguished by an uncommon measure of applause of the attending public, or encouraged in other ways by the commendation of the profession. The great figures of Crassus and Antonius still loom large in his consciousness (80) as standards and exemplars. The efforts of some modern critics to discover in the pro Quinctio traces of mechanical conformity with the schools are in my opinion imaginary. Compared with the later Cicero there is a certain reserve and self-repression.

In this same year, 81 B. C., Apollonius ("Molo"), a distinguished orator and rhetorician, came to Rome, an envoy (like Poseidonios in 87) from the Isle of Rhodes. This important maritime state had stood faithfully by Rome in the vendetta organized by Mithridates, almost the only Greek state to do so.[1] In Rhodes, too, fugitive Italians had found shelter. Bravely had the Rhodians withstood the king of Pontus both on land and sea. Apollonius was allowed to speak on the floor of the senate without an interpreter.[2] Cicero promptly secured him as an instructor in oratory.[3] For this was the Arpinate's way: no matter how greatly he seemed to outshine his fellows in his own generation, nothing did he ever overlook which could advance his mastery of technique. From Hortensius himself, in the case of this year, Cicero had appropriated the sound device of announcing in advance the points of his own argumentation.[4]

As to the time of publication of the *Pro Quinctio* I doubt whether it actually took place under the dictator Sulla; there are strictures uttered against the praetor (9) and a slur against the aristocracy as a class, § 31,

[1] App. Mithr. 24–25. Cic. Verr. 2, 159.

[2] Val. Max. 2, 2, 3.

[3] Brut. 312. The earlier reference, Brut. 307 was suspected by *Suringar*, p. 565.

[4] faciam, quod te saepe animadverti facere, Hortensi: totam causae meae dictionem certas in partes dividam. *Quinct.* 35. cf. Brut. 302.

Dolabella (quem ad modum solent homines nobiles, seu recte seu perperam facere coeperunt, ita in utroque excellunt, ut nemo nostro loco natus assequi possit) iniuriam facere fortissime perseverat."— Cicero was extraordinarily sensitive and could not check himself when in that mood.

## CHAPTER SIX

### *THE FIRST PUBLIC CASE OF CICERO*

### 80 B.C.

In this year the dictator himself assumed the consulate, having for his colleagues one of his chief lieutenants, Metellus Pius. This year also in a way brought the first test of Sulla's constitution. The form of a republic was to be gradually restored.

A very wealthy elderly gentleman of Ameria, Sextus Roscius, had been murdered in the year 81, at night (18), near the Pallacinian baths,[1] which were not far from the Flaminian Circus. The murdered man had been for a long time in a state of feud with two kinsmen (17) called Roscius like himself and domiciled at Ameria, in Southern Umbria, a few miles east of the Tiber. The crime of this assassination took place after the last hour of daylight, and at the dawn of the next morning a message with the news had been carried the fifty-six odd miles north, not to the home of the murdered man, but to one of the hostile kinsmen, Titus Roscius Capito. The facts of this crime, both those revealed and those hidden, are a curious and typical symptom of the subversal bound up with, and produced by, Sulla's autocratic power. Evidently the kindred Roscii made some pact with one of the dictator's freedmen, Cornelius Chrysogonus, that he was to share in the estate of the murdered man, and as a requital save them from ulterior consequences (21 sq.). The date of the limitation indeed had gone by (June 1, 81), the time up to which any names should or could be proscribed: the proscribing was to be a retroactive legalization of the murder, the rich loot being divided among the two cousins and the favorite of Sulla. What a risk for the young pleader! As a matter of fact he took pains to separate the omnipotent dictator from his freedman. "All these things, gentlemen of the jury (21), I surely know are done without the knowledge of L. Sulla (22), and no wonder, since he at the same time both remedies [2] what has gone by, and organizes those things which seem to be on the threshold of the

[1] H. Jordan, Hermes 2, 76, sqq.

[2] *sanet:* other readings are *reparet* or *curet.*

future, when he alone has the power both of settling the system of peace and of waging wars; when everyone looks to him only, when he alone directs everything. When he is distracted with so many and so great affairs that he cannot breathe freely, (it is no wonder then) if there be something which escapes his attention, particularly when so many men watch his engagements and seize the opportunity like bird-catchers, so that, the moment he has looked away, they plot something of this kind. To this is added the fact, that, no matter how *Fortunate* (Felix) [1] he may be, as he is, still such good fortune cannot attend anyone, who in a vast establishment (in magna familia) has not any slave or freedman who is not a wicked fellow."

The conspirators were afraid of but one future contingency: it might happen after Sulla had passed away, that the outraged and innocent heir might reassert his claim to his father's fortune. Therefore they determined to remove the son and heir by a bold stroke; they would indict him for parricide, and so on the one hand secure their title for all future time and on the other hand cover up their own crime in the most impressive manner. The younger Roscius found shelter in the house of a Roman lady of the aristocracy (27), Caecilia Metella,[2] otherwise a second stroke of a poniard might have been provided for. Chrysogonus and his accomplices were sure that they would not meet with any serious obstacle, but it was actually the first important trial for murder after the reorganization (28) of the courts, the first one, too, after a long suspension of courts and regular procedure: severity would be a great point for the prosecution.[3] An extraordinary case: what great fortune was it for the young pleader to be chosen! His ambition and his sense of professional power overcame his natural timidity. And we must not close our eyes to the fact that Cicero from his definite beginnings onward had a way of fixing his mind (with a glow and fervor akin to genius) on the underlying verities of any given case and on the general truths inherent in them.[4] And in this case, dealing with the

[1] one of the earliest specimens of Cicero's itch for playing on *names*, an earmark of his personal manner throughout life.

[2] daughter of Metellus Balearicus, and a kinswoman of that Caecilia whom Sulla married after his return from the East.

[3] Quod iudicia tam diu facta non essent, condemnari eum oportere, qui primus in iudicium adductus esset, (28).

[4] Θετικώτερον, cf. a disquisition by the present writer, on Cic. *ad Quint. Fr.* 3, 3, 4. *Am. Journ. of Philol.* 1902, 283–294.

atrocity of parricide, the young orator uttered a passage to which as an elderly man he referred as one attended with prompt and extraordinary success: "For what (72) is so universal as breath to living human beings, as the earth to the dead, as the sea for those drifting there, as the beach for those cast ashore? So do they live while they can, that they are unable to inhale the air of heaven, so do they die, that the earth cannot touch their bones, so are they tossed on the billows that they are never washed clean by them, so finally are they cast ashore, that in death they cannot even find a place of repose by the rocks." [1]

From that time on the Roman public began to expect great things from the young Arpinate. The argumentation was lucid and to any fair-minded juror irresistible; besides it was aided by a delivery which began to challenge all the graces and powers of a Hortensius. The relationship of the accused to the family of the Metelli was no doubt a matter of moment; not less perhaps was the insolence of Sulla's freedman repellent to the social consciousness of the jurors, who now were all of the senatorial class. The wealth and prosperity and assurance of the erstwhile slave, now freedman, "the man with the golden name" (124) is described with that force and variation, which even in the young orator of twenty-six reveals and unfolds the coming master of the courts and Forum (133): "The other, forsooth, descends from the Palatine hill; [2] for his amusement he has an estate of delight in the suburbs, besides several country seats, and still none but which is fine and near by. His town house is filled with bronzes of Corinthian and Delian workmanship, among which is the famous portable oven which he recently purchased at such a figure that the passers-by who heard the auctioneer knock it down, thought a farm was being sold. What hammered silver-plate besides, what rugs, what paintings, what statuary, what marbles, do you think are in his residence? So much indeed as could be amassed in a single mansion out of many brilliant establishments in a period of subversal and looting. As to his corps of slaves indeed, how large it is and equipped with what a variety of accomplishments, why should I quote it? I say nothing of

[1] *Cic. Orator 107:* quantis illa clamoribus adulescentuli diximus de supplicio parricidarum, quae nequaquam defervisse post aliquanto sentire coepimus: "Quid enim tam commune quam spiritus vivis," et quae sequuntur. Sunt enim omnia sicut adulescentis non tam re et maturitate quam spe et expectatione laudati.

[2] The quarter *par excellence* of the Roman aristocracy.

these ordinary faculties, viz., those of cooks, bakers, litter-bearers; for the entertainment of his ears he has so many slaves that with the daily tones of voices and chords and flutes and the wine parties [1] of the night the whole neighborhood resounds. Decent ones I dare say in such a residence, if this is to be rated a residence rather than a workshop of wickedness and a tavern of shameless deeds. His own flitting about the Forum, how ubiquitous it is, his head carefully gotten up by his hairdressers and perfumed with unguents, with a great number of retainers wearing the garb of Roman gentlemen, you see, gentlemen of the jury: you see also how he looks down on everyone, how he deems no one a human being alongside of himself."

If Cicero actually delivered himself with the same vigor and scorn as he afterwards put forward in the published form, there cannot be any doubt that he did make for himself a powerful enemy; on the other hand, perhaps he made the aristocracy unwilling to be the executioners and the tools for such a personage and for such a character as Chrysogonus. As for Sulla, he had no purpose of establishing a Cornelian dynasty, but desired merely to ensure and perpetuate a government directed and held by the senatorial aristocracy. Now while this was a criminal case, it was so closely bound up with the political drift of the day, it had so many relations with Sulla's restoration, that the young pleader and author could not possibly avoid uttering political judgment. Some five times he refers to Sulla. These passages taken by themselves are somewhat fervid. He protests too much. Whether he gave thought to the dictator or to the optimates now again controlling courts and verdicts, he simply could not openly antagonize either, without committing political or professional suicide on the very threshold of his career. At the same time his youth and early manhood had been so harrowed by the awful things which he had witnessed, from the attainder of Marius to the cruel torture and death of Marius Gratidianus, that civil war and civil bloodshed were to him even then awful and abhorrent and remained so throughout his life. A peaceful compromise, any settlement at all, was the first choice of his political convictions.[2] After Rubicon, some thirty-one years later, his political judgment on such matters was precisely the same. Whatever

[1] *conviviis:* C. F. W. Müller reads *conviciis.*

[2] *Rosc. Amer. 136:* posteaquam id, quod maxime volui, fieri non potuit, ut componeretur.

these cautions, whatever this curious blending of prudence with a puzzling degree of frankness and straightforward utterance, the main issue for the young aspirant for forensic fame was this, that he secured the verdict of innocence for the country gentleman against the powerful favorite of Sulla. The frankness of young Cicero is often impressive. Thus he warns the senatorial aristocracy against condoning or supporting the acts of an upstart like Chrysogonus. We see more distinctly, too, that before Sulla's restoration, the equestrian class had in a way carried things with a high hand at Rome. "Let them (the restored Aristocracy) see to it that it may not prove a base and wretched thing to think that those who could not endure the brilliancy of the equestrian class, should be able to endure the autocratic rule of a most worthless slave." The awful time of the "bidders and the slayers at the auctions" [1] is still fresh: is it not time that their power be brought to an end? One result of the acquittal of Roscius of Ameria was this, that Cicero at twenty-six found himself famous. "Therefore," so Cicero wrote thirty-four years later,[2] "my first pleading in a public case, in behalf of Sex. Roscius, enjoyed so great an approbation, that there was no case whatever which did not seem worthy of my services as an advocate."

Cicero's speeches, even in their first draft, were elaborated with extreme care and industry, and memorized. Still for publication he generally subjected them to a revision, nay a second draft, often determined or modified by the shift of circumstances, a second draft not rarely bearing on its face the traces of such revision. Thus even incidents of the actual trial were wrought in, as in this speech (104) the observation that Roscius Magnus betrayed himself by sitting with the accusers; also 87 and particularly 59. The scheming and criminal cousins actually had hoped that the case, as far as a defense was concerned, would go by default. In 60: "at last he concluded his discourse and sat down. I arose. He seemed to regain his confidence because it was not some one else, rather, who was to plead. Up to this point, gentlemen of the jury, I noticed that he was jesting and occupied in other things before I uttered the name of Chrysogonus: as soon as I touched on *him*, immediately the man straightened up and seemed to marvel. I realized what had stung him. Again and for a third time did I utter that name." One might suggest that the entire speech was not actually published until after the death of Sulla. But there is the fervid eulogy of Sulla. It was to counterbalance

[1] sectores et sicarii

[2] Brut. 312: Itaque prima causa publica pro Sex. Roscio dicta tantum commendationis habuit, ut non ulla esset, quae non digna nostro patrocinio videretur.

the fearless treatment of Chrysogonus. The author would hardly have left it in had he put it out so late. Here is the passage (131). After claiming that some things must necessarily escape the attention of Sulla, he proceeds thus: "For if the Supreme Jupiter by whose nod and decision heaven, earth and seas are ruled, often by exceptionally violent winds or storms beyond measure, or by excessive heat or intolerable frost inflicted an injury on men, destroyed cities, ruined crops, none of which we consider done for destruction's sake, through the design of the god, but by the very force and vastness of things; but, on the other hand the advantages which we possess, the light of day which we enjoy, the air which we breathe, we see that it is he by whom they are given and bestowed upon us; why do we marvel, gentlemen of the jury, that L. Sulla, when he alone was directing the government and holding the helm of the world, and was strengthening with laws the majesty of the empire which he had recovered with the sword, (why do we marvel) that he was not able to observe *some* things?" This passage sounds as if it had been written at a time when not only the legislation of Sulla was completed, but also the dictatorship had terminated. Into the technical structure of this famous discourse we cannot enter very deeply. The Exordium 1–14 Narratio 15–34; Argumentatio 35 sqq., with the disposition (Partitio) [1] prefixed. The task of his *argumentatio* is threefold: (1) to dispose of the charge of the ostensible accuser Erucius; (2) to point out the share of the scheming Roscii the kinsmen (83 sqq.); and (3) to elucidate the power of Sulla's favorite Chrysogonus (122 sqq). In the Peroration we observe the appeal to the outraged moral sense, (Indignatio, δείνωσις) 146; and to Pity (ἔλεος). This case belonged to, or contained, the *status coniecturalis*.

The witty and bitter tongue of Cicero, even at twenty-six is here revealed, as e.g., in bringing forward the illegitimate birth of the ostensible prosecutor Erucius (46), cf. 89, and of his entire class; "some of you (57) are geese who merely make a noise, but cannot do any harm, others are dogs who can both bark and bite." Or when he describes the two kinsmen charged with the assassination (17), calling them gladiators, the one of them being an old one and an expert one at it, trainer of the other for this deed. We observe also the characteristic preference of Cicero for assuming the defense and declining prosecution; but many chose this as being the shortest cut towards a reputation. There is manifested also his warm affection for the lately slain pontifex Scaevola (33). As for the professional preference just noted he says (83): "For if I chose to go in for prosecution, I would accuse others rather, from whom I might be able to grow in reputation; *which I am determined not to do as long as the choice will be in my power.*" — "For he seems to me to be the greatest, who by his own parts attains a higher position, not he who mounts upwards through the troubles and disaster of another." As to his style, Cicero

[1] which he admired so much in Hortensius, § 122.

must be judged not so much by the logical postulates of terseness and precision as by those standards which are almost beyond us now, i.e., the standards of elocution and actual delivery. . . .

The silent analysis of the mere eye is now continually made to feel a certain very positive redundancy; but the doubling of synonymous phrase was by him practiced I believe for its symmetry and for a pleasing cadence oftentimes. To an ancient and direct audience this was like a *bel canto* in rhythm and music. Cicero is the very antithesis to Tacitus; nothing is merely suggested; he is not merely explicit but copious, overwhelming, absolute: he does not irrigate his fields by a system of well cut and well designed canals: he floods everything as with a deluge or with a springtide, whose effects are direct, immediate, palpable, and positive. The relation in Plut. Cic. 3 concentrates everything on Chrysogonus as chief actor in the crime or in the sequel of it, and intimates that Sulla himself had the action for parricide begun. Is this credible? Plutarch did not have time or interest really to study the speech with any sort of care. He calls Sex. Roscius who was some 40 years old, μειράκιον! Plutarch also relates that Cicero's friends joined Roscius in urging Cicero to take the case; "Cicero would never find a more brilliant opportunity for gaining a reputation." This prevailed with him. This probably was the point of view which Cicero himself emphasized when he related the matter to his intending biographer and literary secretary and confidant Tiro.

This time then the young advocate triumphed over the professional prosecuting pleader Erucius. Not so in a murder case, in which the Arpinate defended L. Varenus of Fulginiae (Foligno) in Umbria, a municipium near Mevania, north of Spoletium. Cicero's client was charged with the killing, or causing the assassination of C. Varenus and Salvius. The actual perpetrators of the deed were slaves belonging to a certain Ancharius. Cicero we see was still enthralled by the exemplars of his youth, and he dubbed his antagonist before the jury, the same Erucius, "a misshapen imitation of Antonius" (Antoniaster fr. 10 Müller). Cicero endeavored to make the slaves the principals also, but he failed in devising motives for these slaves. All the circumstances [1] however aggravated the case of Varenus, and the jury found him guilty, probably under the presidency of the same Fannius in whose court Roscius had been acquitted. *Young Cicero published the speech though he lost the case*, omitting however many items and particularly legal matters which had figured in the actual

[1] Quintil. 7, 2, 36.

delivery.[1] What gratified the young author in the reception of his books was simply the very thing which caused that reception: it was a distinctly new and forceful manner of writing Latin prose: even when the jury withheld a favorable verdict, his plea added to his prestige.

[1] Plin. Ep. 1, 20, 7.

## CHAPTER SEVEN

### *THE TOUR ABROAD*

### 79–78 B. C.

In the year 79 B. C. the most eminent or rather the ablest of the proscribed Marians began his brilliant resistance to the Optimates, by disputing with them the possession of Spain. Against him was sent the elderly and comfort-loving Metellus Pius, and later young Pompey; their cooperation was almost always defective. In this year Cicero at twenty-seven undertook a case, which even more than the preceding ones, had a political aspect. He defended the "freedom" (or should we say the claim to full standing within her civic relations to Rome as they were before Sulla's return) of a woman of Arretium (Arezzo). In so doing he called in question the inferences which his antagonist Aurelius Cotta made. Sulla had deprived this municipium (as he did Volaterrae) of Roman citizenship, because it had resisted him. Cicero claimed that this sweeping act of disfranchisement could not deprive his client of her personal civil status. Sulla indeed was then in the private station which he had voluntarily assumed in resigning his dictatorship. Cicero was not a little gratified that he ultimately won his contention before the ten commissioners, although the distinguished Cotta was on the other side, and although Sulla was living (Caecina 97).

This, like pro Quinctio, was in a preliminary hearing: i. e. to determine this question: Could the lady of Arretium sue and be sued like any other citizen? Could she, in advance of the case, offer and demand security like any other citizen, by a sworn affidavit?[1] Cicero won in the second hearing.

The young advocate had now, within two brief years, measured his forensic powers against the foremost men at the Roman bar, a Philippus, a Hortensius, a Cotta. However solid or brilliant their professional attainments, young Cicero through pub-

[1] *sacramentum*, cf. Gaius Institut. 4, 12–16. *Heumann* Handlexikon zu den Quellen des röm. Rechts, s. v. "In Bezug auf die *Legis actio per sacramentum* bedeutet dieses Wort die Summe Geldes, welche die streitenden Teile für den Fall des Unterliegens an das *Aerarium* zu zahlen hatten."

lication challenged and outshone them in a peculiar way. We cannot be in doubt as to the effectiveness of this novel activity. For most of those who had hitherto come forward as authors of prose works had been in the main eminent as men of affairs or resolute and determined politicians: it was a part of their political activity or it was a desire to add further to the renown of their particular family or branch of race, which induced them to bring forward some record of a speech, or some annalistic survey of Roman history. But the young patronus of Arpinum had brilliantly begun to spread abroad, through the pen of authorship, the force and novel grace of his oratory, and to begin at last to assume a position in his own generation unknown to Roman literary annals hitherto.

As to his motives for going abroad, Plutarch (c. 3) says it was fear of Sulla which made him go. As a man of sixty, surveying his professional life, Cicero speaks explicitly of his reasons for abandoning the forum awhile. (Brut. 313 sq.) He had become very thin, he was far from robust, the elocutional exertions in the regular form of public oratory had taxed his very constitution: his throat and neck were coming to be emaciated; his friends and physicians feared he might be going into a decline. Besides we know that the ambitious young man had worked very hard and quite incessantly now for many years. There is in the Vatican Museum a head of young Cicero which in a striking way bears out all these items of self-description.

It seemed to the young orator that he was indeed abandoning the path of glory which he had chosen for himself. He went away unwillingly but he went away. It is, for us, a matter of regret, that Cicero in his reminiscences in the Brutus does not digress a little more. It would be deeply interesting to us to hear how Athens impressed one who from infancy had sought his more serious training and almost all of his best culture, in Greek letters. Athens to him was indeed the wellspring of all truer and nobler humanity and civilization and endowed also with a venerable antiquity (Brut. 39), compared with which Rome was recent and modern. For the first six months his chief occupation was to receive the instruction of Antiochos of Askalon, then the official head (*scholarchos*) of the Academic sect. He was really an Eclectic, though he persisted in declaring that he was returning to the Old Academy.[1] He was the successor of Philon whom

[1] *Zeller*, Philos. d. Griechen, III, 1, 3d ed. p. 598. *Hirzel*, Untersuchungen zu Ciceros philosophischen Schriften, vol. 3. Index.

Cicero at 18–19 had heard at Rome. He was gentle in his manner, but he could lose his temper when he came to deal with the writings of his predecessor (Acad. 2, 11). The lectures were delivered in the gymnasium called that of Ptolemy (Fin. 5, 1). With Cicero were his brother Quintus, his cousin Lucius Cicero, and his schoolmate of former years and fast friend, T. Pomponius, who now had fairly earned his surname of Atticus. He was Cicero's senior by three years and immeasurably superior to him in practical equipoise, shrewdness and worldly wisdom; and with all this he had many elements of a genuine idealist. He had sojourned in Athens since 86 or so,[1] as we have observed before. A splendid man of business, he had used Athens chiefly as a good abode for one who, while devoted to the best letters, was determined to remain neutral in the furious partisanship of the times. He was then thirty. Marcus Piso also was of this company. When Cicero beheld the famous suburban spot, the Academy, six stadia from the Dipylon, where Plato himself, where Xenocrates, Speusippos, Polemon had taught, his native sympathies promptly sought for some analogon at home. Of course there was no locality of this kind, but he thought of the Curia Hostilia, the old senate-house, which had been rendered famous by Scipio Aemilianus, by Laelius and by Cato. Not far away was the hill Kolonos, which brought to mind Sophocles and the noble play of his old age. With keen interest they saw the spot which was ennobled for all time by the debates of Demosthenes and Aeschines, or the strand of Phaleron (Fin. 1, 5) where Demosthenes had made robust his voice, to outsound the surf of the sea, or the place where Pericles was buried, or the exhedra of Carneades. The very essence of classicity was much alive in the perception of Cicero: to reflect more keenly and earnestly on famous men through the reminder presented by localities. (Fin. 5, 4.) Now Antiochos, while nominally at the head of the Academic School, was really an Eclectic: more of a Stoic, it was said, than an Academic. He pointed out that the doctrines of the Stoics were to be found (i. e. foreshadowed) in Plato.[2] He was evidently weary of the Sceptic quibbling as practised by the preceding generations of his own Academic Sect, nor did he fail to appropriate doctrines of Aristotle and his school. Here was a syncretism which is apt to arise when culture becomes rich through ages

[1] Drumann, vol. 5, p. 8.

[2] Sext. Empir. Pyrrh. Hypot. 1, 235.

of production, and originality is dulled or discouraged by the very contemplation of accumulation. He was however for the Roman visitor a most congenial guide, for Cicero's intellect was one in which the orator predominated over the philosopher. To the Arpinate indeed many things were precious, provided he could utilize them either in his culture or in the structure of his discourse. He was indeed an Eclectic much more by a certain professional necessity than by any vagueness of his intellectual vision or through lack of intellectual earnestness. His older friend Atticus, as a true man of the world, adopted the philosophy of Epicurus. This academic difference however never in the slightest degree impaired the intimacy or harmony of their relations. (Fin. 1, 16.) Here the keen faculty of the man of business firmly to grasp the actualities of life were of inestimable value to the mobile nature of the idealist. At the same time (Brut. 316) Cicero devoted himself also to rhetorical instruction given by Demetrius of Syria, a teacher of long experience and fine reputation.

## 78 B. C.

In the following year the traveler and student crossed the Aegean, after having been initiated into the Mysteries of Eleusis, jointly with his bosom friend (Legg. 2, 36).

In that passage of the Laws, while forbidding all other nocturnal worship on the part of women, he makes an exception in favor of the rites of Demeter, Kora and Iakchos. These rites, he fervently asserts, some twenty-five years afterwards, did indeed symbolize and inculcate the very elements and initial points of human civilization, while they furnished also greater trust and contentment in death.

Athens could no longer present to him a living exhibit of oratory dealing with great concerns of current affairs, public life and statesmanship being there mainly a memory. It was the Asianic manner which Cicero desired now to observe more closely.

Dionysius of Halicarnassus, p. 27, ascribes the beginning of the Asianic School to Hegesias of Magnesia (ab. 280 B. C.) calling it, "this Hegesianic manner of composition or style, replete with petty artifices, (μικρόκομψον) ignoble, non-virile" (μαλθακόν). Elsewhere (p. 446 Reiske) he compares this meretricious style to a concubine, who insults and intimidates the lawful wife. Oratory like the Drama for a long time had flourished in Athens alone. But after the beginning of the Alexandrian era (Brut. 51), "When once it had sailed forth from the Piraeus, it traversed all the islands and in such a manner sojourned abroad, as to soil

herself with the mannerism of non-Greeks (ut se externis oblineret moribus) and lose all that wholesomeness and as it were soundness of Attic utterance and almost unlearn how to talk" (i. e. Attic). In Boeckh's collected papers there is a fanciful dissertation in which the attempt is made to make out Pausanias (a veritable image of Herodotean style) an imitator of, or an exemplar of the Asianic style! — We have nothing but the valuations of Cicero, Dionysius, Quintilian and others. But we must not forget that, apart from a certain exuberance and tumid style of discourse, a certain bombast, the accent, intonation and elocution had drifted far away from the pure Attic. The latter after all had come to be the norm and standard: cf. the two types elucidated by Cicero Brut. 325.

On the continent then of Asia Minor, in the Roman province of Asia, Cicero did not indeed sit at the feet of these rhetoricians: the death of Sulla did not cut short the leisurely execution of his programme; the Arpinate indeed had achieved greater things in living oratory than any of these Asianic declaimers. He trained himself, he practised with them, probably in mock debates and *controversiae* on opposite sides of stated themes, all in Greek, of course. To him the latter circumstance was not the least important one in all this experience. The most eloquent of them all Cicero held to be a certain Menippos of Stratonika in Caria. Thence he crossed over into Rhodes. On this famous island there was to be found the most eminent of all the Greek rhetoricians of that time, viz. Apollonius Molo. He was a great pleader, too, and a distinguished author of didactic books. No less was he a great teacher and keen in pointing out faults. Doubtless this renowned expert was the ultimate point or stage in the entire tour. This critic it was who was to prune and curb certain flaws or faults in Cicero's manner (Brut. 316), particularly a redundancy and superabundance of words, as of a stream wont to overflow its banks. Molo strove to accomplish this though Cicero himself intimates that it was well-nigh impossible.[1] And still he says he returned to Rome almost a changed man (prope mutatus). He had probably acquired a wiser economy of managing and varying his pitch of voice, the intensity or repression of fervor; a change and variation by which he could much better hold his audiences, and sway their interest and sympathies. The excessive thinness of his physical person had given way to greater amplitude and to more vigorous health.

[1] The love for resonant doublets Cicero really never overcame: these features of his style were too deeply ingrained, they were, I believe, temperamental.

The anecdote of the scene how Apollonius (Plut. 4) was long speechless after a certain delivery by Cicero is introduced by the biographer with λέγεται; it is overwhelmingly flattering to Cicero. It is drawn from Tiro, I believe. We observe indeed, in the encomium uttered by the Rhodian expert, the two things on which Cicero throughout his career prided himself: learning and culture (παιδεία) on the other hand; and the faculty of oratory (λόγος).

The Stoic Poseidonios, too, made a deep impression upon him. He took rank for life with the most eminent thinkers who had profoundly affected his own thinking.

On his way back from Rhodes to Italy he stopped at Delphi, we are told: rather perhaps (if it be true) because he wished to include this classic spot in his itinerary than from any genuine reverence for the divination there once so long given forth (de Div. 2, 115) than because he desired to consult it. He is said to have enquired "how he might become very famous?" His mature philosophy viewed that sanctuary with consummate incredulity, due in the main no doubt to a sober valuation of the historical records of the past.

## CHAPTER EIGHT

*AFTER THE CLASSICAL TOUR*

**77-76 B. C.**

When at last Cicero once more returned to Rome and its Forum and its courts, he had begun his thirtieth year. It was in the consulate of D. Junius Brutus and Aemilius Lepidus Livianus. And yet no doubt he was firmly resolved to hold aloof from the political factionalism of the day. He was to resume exactly where he had left off, to go on matching himself in the forensic life with those men then reputed leaders; we have met them; chiefly now they were Cotta and Hortensius. In his own biographical retrospect he speaks of "famous cases" in which he pleaded.[1] We know of none that possibly might be assigned to this time but the case of the actor Roscius.[2] The very fact that Cicero published his pleading is an adequate reason for assuming that it impressed the Forum as a fine performance.

As to the time, it is quite unthinkable that Cicero in 68 *after* the Verrines and *after* his aedileship at 38 should so strongly have emphasized (44) his youthfulness in contrasting himself with two senators, should actually have spoken of his "adulescentia" four years only before he offered himself to the Roman electorate for consular honors. Manutius and Drumann note that the referee (index 43) Cluvius was a Roman knight. Such a one, they claimed, could not have sustained this function before the Aurelian Law of 70 B. C.

Exordium and conclusion are lost. Cicero always felt warmly for each and every one who had aided him in the acquisition of personal and professional culture. His willingness to help the famous actor who had taught him delivery and all the graces bound up with it, was prompted by motives quite similar to those which later on induced him to defend Archias. It was a civil case.

[1] *Brut. 318.* Unum igitur annum, cum rediissemus ex Asia, causas nobiles egimus.

[2] Drumann 5, 346 sq. prefers 68 B. C. as does *Morris H. Morgan*, in a paper in the volume of collected disquisitions, but cf. *W. Sternkopf* in Fleckeisen's Jahrb. 1895, p. 41 sqq.

We will relate the main points, with the greatest possible succinctness. Of course most civil cases are somewhat uninteresting to those who are not lawyers. The great actor had received a gifted slave Panurgus (a Greek it seems) to train him for the stage. For this he was to be joint owner or partner with the original master Fannius Chaerea. Through the skill and teaching of Roscius, Panurgus became an actor of great promise. But he was slain by a man of Tarquinii, Flavius, fifteen years before (37). The latter was deceased at the time of the trial. In settling his civil obligation (there was no other) the slayer had satisfied the claim of Roscius with a farm or piece of land. This settlement was made when the price of land was low [1] and when titles, furthermore, on account of the disaster suffered by the government, were insecure: perhaps the war of the Allies is meant. The actor is now sued to make a settlement with his partner to cede to him some share of that land which now has risen considerably in value. Cicero's contention is, that Roscius fifteen years before settled for himself alone with the slayer of the actor-slave, and is not legally bound to share his indemnity with the original owner of the slave. It is indeed a delicate point of law and equity. At the same time it is quite palpable that Roscius had contributed vastly more to the ultimate professional value of the slain Panurgus than was the market-value of the Greek bondsman before the brilliant actor took him in hand. Fortunately we need not decide the case or solve its complications which had previously been before a referee.

Fannius, by the bye (40), had also, for his share, received an indemnity of 100,000 sesterces from the slayer. The pleader's adroitness and a certain intellectual nimbleness pervade the discourse. We observe also a certain unscrupulousness of device which the young patronus probably shared with his professional brethren: to say that the splendid and lofty Roscius should have defrauded or desired to defraud a Fannius Chaerea, it is incredible. Reverse such a conjecture. The very presence and outward personality of Chaerea are suggestive and significant. "Do not the very pate and eyebrows closely shaven (20) seem to be redolent of meanness and proclaim his cunning? Does he not from the very nails of his toes to the crown of his head, if the speechless physical person affords any inference to men, seem to

[1] § 33: temporibus iis cum iacerent pretia praediorum, . . . tum enim propter reipublicae calamitates omnium possessiones erant incertae. . . .

consist wholly of cheating, of tricks, of lies, who has his head and eyebrows always shaven for this reason, that he might not be said to own as much as a hair of a good man?" — but enough of this. Cicero very often made his hearers laugh; it was a large part of his method. No *ennui* when he spoke. If Cicero did not actually speak this passage, he inserted it for publication, and that too in a purely civil case, revolving around the law of partnership (*Societas*). Was the purely legal substructure of this case in need of such devices? Cicero attempts to establish a parity of principle between inheritance and (55) partnership.

As to the manner, the almost mechanical introduction of balancing doublets is somewhat tiresome to the reader; but the melodious and graceful delivery of Roscius' gifted pupil can never be resuscitated.

About this time, or soon after (Brut. 318), actually in his thirty-first year, in 76 the Arpinate was a candidate for the quaestorship and was elected "with all the votes"; he probably (Pison. 2) had a clear majority in all the larger Electoral units.

This relation by himself is somewhat at variance with the report in Plutarch, c. 5. There we read that he demeaned himself with great caution in these first steps of political promotion, that he suffered somewhat from the reputation of being a "Greekling," i. e. a man devoted to letters and eager to reproduce the finish of Greek letters in Latin. Of course this reputation, if anything, was spread abroad through his candidacy. Possibly Cicero told Tiro about these things. There was more unreserve in communications to the secretary than in quasi-autobiographical publications like the Brutus.

Cicero therefore never held the military tribunate. Sulla in his reorganization of the government [1] had increased the number of quaestors to 20. They were commissioners of the treasury, primarily so when serving at the seat of government, having no lictors or bailiffs to attend upon them. They thus entered the senate, and their own work and tasks were under the senate's direction. They had to do with the public accounts. Directly they were responsible to consuls, or, in their absence, to praetors. Of course they had constant relations with the provinces and with the funds remitted to Rome from the same. It is a definite fact in our slender tradition, that Cicero was almost immediately, at least from the beginning of the year

**75 B. C.**

[1] *Madvig*, Verfassung und Verwaltung des Röm. Staates, 1, 441.

assigned to service in a province. But eight quaestors were required for the city, and Cicero was one [1] of the other twelve. He was sent to the western diocese of Sicily which was governed from Lilybaeum, where the public funds and revenues engaged his attention. While subject to the Roman governor of the entire island, the two quaestors were directly responsible to the home government for the integrity of the funds and for the proper transmission of the same. For his superior, the governor Sextus Peducaeus, he entertained deep respect as a man of firmness and scrupulous integrity. (Verr. 3, 216.) Now it happened in 75 B. C. that there was a famine in Rome, at least the price of grain was high (Plut. 6), whereas the island in 76 B. C. had enjoyed abundant crops. The young aspirant for fame found as though made ready to his hand the opportunity to turn his industry and his planning to a case of positive public service, to serve Rome herself indeed, and as he thought to gain a new form of fame by a single stroke. The quaestorship, to his conception, was not a gift or bounty, but a trust or commission (Verr. 5, 35). If grain was dear in Sicily, then of course it was much dearer in Rome. Cicero's eagerness was great: still greater indeed was the glowing desire to draw public attention and general commendation toward himself. Hitherto his fame had been direct and positive, because forensic: this opportunity of provincial achievement he trusted would greatly enhance that prestige. He therefore saw to it that large cargoes were sent to Rome. Also he took good care that his clerks and accountants practised no oppression or extortion in dealing with the provincials. Cicero did not even permit the former to appropriate the moiety of four per cent, which was a customary commission, — nay, no fees whatever (Verr. 3, 182.) This, by the bye, was the time when Cicero's contemporary and fellow recruit of the Italian war, Pompey, even then distinguished by the proud surname of Magnus, was general commander of great forces in Spain, the shortest way to fame. The year went by, and Cicero returned, and on his way in the next year stopped on the gulf of Puteoli and Cumae.

## 74 B. C.

On leaving his diocese however, he delivered an address at Lilybaeum [2] with many and generous promises to his fiscal de-

[1] *Madvig*, ib. 449. cf. *Divin. in Caecilium*, 10.

[2] Keil, Gram. Lat. 7, 469, "cum quaestor Lilybaeo decederet."

pendents, if at the same time in the future they should need his support. Cicero, we must not forget it, was capable of a genuine type of moral enthusiasm. Few Roman officials were, particularly in that generation. He seems to have taken Syracuse, a quasi-classic spot for him, on his way home. There, in that great and famous Greek city, he thought of Dionysius the tyrant, but lovingly of Plato. Nor was Archimedes, the Newton of his own time (d. 212 B. C.), forgotten. Cicero wished to discover his tomb. No inhabitant of Syracuse could tell him. How did he trace it? Cicero knew certain iambic lines which he presumed must be chiselled on that grave. He further knew that the little monument was topped off with a globe and cylinder, symbols of that life devoted to science, His clews led him truly: the spot was cleaned up, the weeds and rank growth cut away. He was filled with lively satisfaction when at last he came upon the inscription; the latter halves of the verses had been destroyed by time. All his life long Cicero prided himself on this antiquarian quest and its successful issue (Tuscul. 5, 64). Going North then and treading once more upon the soil of Italy, he had a curious and sobering experience. Twenty years later he wrote about it as follows:[1]

"I do not fear that anyone will dare to say that anyone's Sicilian quaestorship was either more famous or more popular. In all truth I may say this: I was convinced at that time, that men at Rome were talking of nothing but of my quaestorship. I had despatched a very great amount of grain when there was a supreme dearth of it; to brokers I had been affable, to merchants just, a gentleman in my dealings with contractors, scrupulous in financial integrity toward the provincials; to all I had appeared as supremely painstaking in every function of duty: honors never heard of before were devised by Sicilians for me; I was therefore quitting the province with a hope which inspired the belief that the Roman people of its own volition would bestow everything upon me. But when in the course of my journey, leaving my province I happened to reach Puteoli at a time when very many people and the members of the smart set are wont to be in those places, I almost dropped dead, when a certain man asked me on what day I had left Rome and whether there were any news. When I had answered him that I was leaving my province, he said, 'Why, yes, surely as I think, Africa.' I replied to

[1] *Pro Plancio* 64, found also in Plut. 6, probably from Tiro's relation.

him with a mixture of anger and disdain: 'Nay, Sicily.' Then one, as though he knew everything, said, 'Don't you know he was quaestor at Syracuse?' Let me cut the matter short: I ceased being angry and made myself one of the general public at the watering place."

But to speak seriously: it was a startling discovery for Cicero's ideals and ambition. He realized [1] that it was unwise to go far away or long, from the Forum and the Courts. He now determined so to arrange his life as to be there daily; he "dwelled in their sight, he hugged the Forum"; neither sleep nor doorkeeper barred out any client who wished to consult him. In this strictly forensic quest of fame he took good care to avoid the tribunate, for which at best he had little political affection: distinctly aloof in his inner consciousness from pronounced partisanship, he did not wish to hold that office. For at that stage of history that office was still emasculated in consequence of Sulla's reaction; the actual holders were either tempted to antagonize the senatorial class very sharply or apt to become mere tools of some eminent man. Cicero had a political aversion for almost all the public men who had been distinguished in that office. Cicero would have been largely compelled to abstain from pursuing his profession freely for that year. He had now entered upon his thirty-third year. He felt and knew at the end of his second vacation that his powers had attained a positive maturity,[2] that his professional stature was that of an accomplished orator.

## 73 B. C.

For the first time we come upon some trace of the marriage of Cicero to Terentia. We know absolutely nothing of her kith or kin except that she was well-born. Her half sister Fabia was a Vestal. In this year, it seems, Fabia had been brought to trial, and Catiline was charged with having been her accepted lover: the whole matter seems to have been due [3] more to the general reputation of Catiline than to ostensible facts. Cicero brought the matter forward again by innuendo merely, nine years later.

[1] *Planc. 66.* Cicero's very words by no means bear out Plutarch's pragmatic inference (c. 6), viz. that Cicero relaxed somewhat in his quest of fame: quite the reverse was the consequence of his experience at Puteoli.

[2] *Brut. 318:* Iam videbatur illud in me, quidquid esset, esse perfectum et habere maturitatem quandam suam.

[3] Ascon. on *In toga cand.* pp. 92–93 Orelli.

Cicero's marriage cannot be established very definitely as to date. Not even the birth of his oldest child can be fixed very closely. It is not likely that Cicero married before his tour to the east. All we can put down is a matter of conjecture. While the advocate through his life carried what we may call an equestrian consciousness, it seems clear from a multitude of his acts that he consistently strove for social advancement. How far Terentia chose *him* for a man of brilliant intellect and one destined to rise, how far the advocate chose *her* as a member of the well-born class and a lady (probably the only child) of good fortune: who can now determine? All we say here is, that she seems throughout to have kept a very distinct and separate control of her own fortune, that she had her own steward, and that in the end economic conflicts and suspicions proved disastrous to the union, as the further relation will show. She had a mind of her own.

### 72 and 71 B. C.

The larger events in the Roman world were the conclusion of the long war for the recovery of Spain, the further fame and fortune of Cicero's contemporary Pompey, the terrible slave-war in southern Italy, where Spartacus and Crixus more than held their own until Crassus the capitalist politician restored discipline in the troops of the government and destroyed the power of the slaves. About the same time L. Lucullus drove the Pontic autocrat out of his ancestral kingdom and forced him into Armenia. And still the author and the pleader at the capital was deeply resolved to harvest a renown, some time in the future, which was to gleam not less brightly than eagles and helmets. Many of his cases, we may say most of them, were civil cases, intricate often and difficult for jurors and praetor presiding; much more so, when occasionally preserved, for us, in our remoteness of vision. Such a case was that of Tullius.

M. Tullius possessed an estate near Thurii in southern Italy. His neighbor Fabius, a veteran of Sulla, had quarrelled much about the boundaries, having bought an adjacent farm from a Roman senator not long before. He wished to sell again and included in his offer a strip of land claimed by Tullius, the so-called "Centuria Populiana." The veteran's slaves entered by night with force and arms and slew some slaves of Tullius who were in a building on the strip. Either side could under a provision of the Civil Law oust the other (it was called *deductio*) so as to bring on a civil trial which was to settle the disputed ownership. One of the points at issue was this: Was Fabius criminally (dolo malo) responsible for the

acts of his slaves? The case had been tried before in other aspects. As to the time, the praetorship of Metellus (39) seems to point to 71 B. C. Keller (Semestria) has restored the Formula of the praetor as follows: Recuperatores sunto. Quantae pecuniae paret dolo malo familiae Numerii Negidii (Richard Roe) vi hominibus armatis coactisve damnum factum esse Aulo Agerio (John Doe), dumtaxat sestertium tot millium, tantae pecuniae quadruplum recuperatores Numerium Negidium Aulo Agerio condemnanto: si non paret, absolvunto. The speech has reached us in a fragmentary condition: chiefly in palimpsests of Turin and Milan, published by Angelo Mai in 1814. Cf. also Paul Krueger, *Hermes 5, 146*.

## CHAPTER NINE

### *THE GREAT CASE OF VERRES*

It is not easy for us, in our later day, to gain and hold a true vision of the current sentiments which prevailed in Rome on January 1st, 70 B. C. The two men then who were inaugurated on the Capitol were as unlike as possible. Pompey was the morning star of that firmament. The extraordinary and the unique fascinated his ambition. Sulla, in spite of himself, had granted the young man his first triumph, when Pompey returned from Africa, in 81, but twenty-five years old. In December 71, on the very last day of the civil year, Pompey, at thirty-five, had celebrated his second triumph, this time out of Spain. Eagles and veterans had been stronger than the limitations or postulates of the age set down in the *Lex Villia Annalis*. A mere Roman knight who had never sat in the senate even, attired in the golden garb of triumphator, he had ridden to the foot of the Capitoline stairs, the most brilliant and the most conspicuous personage in all public life. In that parade it was recorded that 876 towns [1] and fortified places had surrendered to him in the Iberian peninsula. Even then, the older man, Crassus, howbeit more eminent in wealth and pedigree, had to be content with the minor honor of *Ovatio*. The very candidacy for the consulate of Crassus had depended on Pompey's consent. On the morrow of Pompey's brilliant pageant he and Crassus took control of the government. Many traditions were shattered or set aside; the troops were not yet discharged. The most incisive of Sulla's measures were on the eve of dissolution or abrogation. The senatorial aristocracy were but third in the prevailing estimate of forces.

During the same year, by the initiative of the Junior consul the constitutional power of the tribunate [2] was fully restored. This was an act which Cicero in his political conception of things never [3] approved, however highly he rated the Irresistible and

[1] Plin. H. N. 7, 26.
[2] Plut. Pomp. 21.
[3] de Legg. 3, 22.

Only one. It was in this year, too, that Censors exercised their peculiar and incisive functions. And this they did in the old-fashioned way. Sixty-four names were stricken from the roster of the Great Council by Gellius and Lentulus (Liv. 98).

In this same year occurred a trial more important for Cicero's professional ambition than any in which he had figured hitherto, that of Verres. And it so happened that this revelation of the peculiar corruption of the province-exploiting [1] optimates occurred at the very time, in the very year, in which the most radical of Sulla's measures was overturned. No case which had ever been tried before a Roman jury so deeply injured the pretensions and the prestige of the office-holding aristocracy. Sicily was the oldest of the Roman provinces. In being the patronus of its communities against their recent governor, Gaius Verres, the Arpinate pleader gained a twofold distinction. On the one hand he bared the truth, and was primarily the cause of the conviction. But he did much more. As author and literary transmitter of the Verrines he has furnished to the historian a mass of specific material, which will condemn the Roman oligarchy to the end of time. And the value of this indictment is in no wise impaired by the fact, that later on, on various occasions (as in the orations for Fonteius, Flaccus, Scaurus, Antonius, Gabinius) the Arpinate appeared in defense of men who were indicted for provincial misgovernment.

For three years, 73, 72, 71, Verres had governed Sicily. His successor was L. Caecilius Metellus. The Metelli were related to Verres. It was not the malefactor Verres alone in person merely whom the orator was attacking; it was a system deeply intrenched and bound up with the living and luxury of the oligarchy. Clearly it was the good name which Cicero had gained among the Western Sicilians as quaestor, which procured him this momentous commission.[2] It was a cause celèbre. The Sicilians in their indictment sued Verres for restitution of 40 million sesterces, or they alleged that the sum named was a fair

[1] on *Repetundarum* (both trials and statutes) cf. *Mommsen, Strafrecht,* p. 707 sqq. The Verrines there cited 714, n. 1. On p. 727 Mommsen says: "Die Klage beschränkt sich auf die einfache Rücknahme des gegebenen. — p. 728: Gaius Gracchus hat aus der Ersatzklage eine Strafklage gemacht, und dem Verurteilten wegen Repetunden, ähnlich wie dem verurteilten Dieb, die Strafe des doppelten Ersatzes aufgelegt.

[2] *Verr. Act. 1, 34,* eos velle meae fidei diligentiaeque periculum facere, qui innocentiae abstinentiaeque fecissent.

summation of his illegal gains derived from the provincials in three years, Pretty early in 70 B. C. the outraged communities had begun their legal steps for prosecution. But the system of Rome knew of no public prosecutor. For such cases a special and stated court (quaestio perpetua) had been established by Sulla, but anyone could offer to conduct the prosecution. And so there came forward a former quaestor of Verres, a certain Caecilius, to perform that service. The praetor [1] convoked a special jury to choose and determine the official accuser. Verres (of course) desired his own former subordinate, while the Sicilians wanted Cicero. May we not believe that Cicero's quaestorial year at Lilybaeum fully as much as his preeminence among the pleaders of the day had determined their preference? Cicero no doubt possessed many qualifications which Verres feared, while the latter's old quaestor had been a subservient tool of the governor's peculations. Caecilius an enemy of Verres — it was a transparent pretense. Should not *they* rather determine for whose sake the entire statute [2] had been established, viz. the provincials themselves? In Cicero then a certain humanity, a certain moral pride, was stirred, but there was another thing: Cicero was also a keen rival of the one man, whose prestige as pleader had hitherto stood in the way of Cicero's claim or quest of undisputed forensic primacy; it was Hortensius Hortalus. Even in this preliminary business [3] the latter had been entrusted with the interests of Verres. Cicero calls the famous advocate "the great pleader and friend" (23) of the indicted governor; it was Hortensius who urged the jury to choose Caecilius rather than Cicero to conduct the prosecution. And Cicero (at least in the published speech) betrayed strong feeling, whether of professional jealousy or of a kind of professional censure. Hortensius's sway, the Arpinate (24) intimates, is indeed absolute and undisputed in the courts. He is an autocrat there. But why? Because Hortensius in the main had been confronted with immature and inferior antagonists. These have been mere youths of the old families [4] whom he toyed with (elusit), or the professional informers who were materially concerned, to this extent that they received one fourth [5] of the sum named in the verdict.

[1] M'. Acilius Glabrio, who subsequently presided over the main trial.
[2] de pecuniis repetundis. [3] in hac prolusione, 47.
[4] pueri nobiles, 24.
[5] *quadruplatores*, cf. Mommsen, Strafrecht index s. v.

Mere men of straw were these for an Hortensius. But now the time was at hand when Hortensius was to meet men of stout purpose and of tried and tested character. Cicero declared his astonishment, that the distinguished gentleman undertook so ignominious a defense at all, and that he resorted to devices from which an Antonius or a Crassus,[1] whom Hortensius knew well in the fulness of their powers, would have shrunk. Cicero published this discourse eventually; it was an essential part of the whole case. To-day it enlists our interest chiefly because it contains what is so precious for any biography, important elements of self-revelation. Cicero lays down, at thirty-six, the requisites of a patronus, and incidentally surveys his own professional career. He proposes not merely to sift and set forth Verres' administration of Sicily, but also to review his entire life in all the succession of public charges held by Verres: his record in Rome, in Italy, in Greece, in the provinces of Asia and Pamphylia. Even then, early in the year (70 B. C.), the expert eye of the Arpinatian realized the uncommon wealth of material presented to the pleader, to the aspirant for public honors, to the pen of the author. He was fully aware that it was the greatest case which had as yet been entrusted to him. It would call for the application of all his powers, and this was his own view of it (39): "everything must be stated, proven, unravelled; the case must not only be set forth, but carried through the trial impressively and with the application of every resource; you must, if you wish to accomplish or gain anything, bring it about, that men shall not merely listen to you, but listen with gratification and earnest interest. If in this[2] natural gifts aided you much, if from boyhood on you had been devoted to the best courses of instruction and branches of learning, and worked them out to their conclusion, if you had learned Greek letters at Athens, not at Lilybaeum, Latin (letters) at Rome, not in Sicily, still it would be a mighty task to do full justice to such a case, one on which public attention was so riveted on as this one, and to grasp it with the faculty of memory and to set it forth in discourse and to carry it to conclusion with the physical vigor of adequate elocution."

There is a certain pride here, but a just pride. And a little further on (41) Cicero wrote thus: "I who, as everyone knows,

[1] A point elaborated in Verr. 2, 191.

[2] While apparently addressing the wretched creature of Verres, he is really recounting his own qualifications.

have made Forum and Courts my abode in such a way that no one or few of the same age have defended more cases, and who am spending all the time that is left me from the legal affairs of my friends, in these pursuits and labors, in order that I may be better equipped and more ready for practical requirements of the Forum, still, as truly as I desire the favor of the gods, whenever I think of that point of time, when the defendant has been summoned and I must speak, I am not only strongly stirred in my feelings, but a shiver runs over my whole body."

There are abundant traces in the *Divinatio* which mark the composition as specially designed for publication and as revised or largely made at all, subsequently to the original delivery; i. e. the allegation (24) that there were (or might be) men who could ascertain (by special color marks on certain ballots) whether certain jurors had actually voted for the prosecutor preferred by the defense. Cicero later on (in Verr. 5, 173) intimates directly that Hortensius in the past did resort to such devices, by which it was possible to determine, whether the purchased jurors had actually carried out their bargain. Another matter which Cicero observed during the preliminary hearing was this: The Sicilian would-be-prosecutor had a MSS., perhaps prepared by some one else,[1] perhaps by some professional rhetor, a discourse which he (Caecilius) had learned by heart.

Cicero was named as prosecutor. All this was in the early part of the year. He now requested, as was customary, a period of time, to be allotted by the presiding justice in this court (M. Acilius Glabrio), to visit Sicily[2] in order to gather and prepare the evidence. One hundred and ten days were allowed for this purpose by the praetor. His cousin Lucius assisted him in this important task. With extraordinary industry and splendid organization Cicero gathered and had others gather the evidence in all the complaining communities of the island in less than half the time, i. e. fifty days (Act. 1, 6). The affidavits were carefully recorded and provision made, that the proper witnesses from Sicily should attend at the actual trial in Rome to confirm or corroborate the written depositions. Also they were to hold themselves ready for what we should call a cross-examination at the hands of Hortensius. This hasteful energy of Cicero was necessary. A fictitious case (*ib.* 1, 6) of provincial extortion in Achaia had been set in motion by Verres and his friends. A

[1] As in the preceding generation Aelius wrote speeches for others; cf. the λογογράφοι of Athens.

[2] Verres spread the rumor, that Cic. had been bought by the defense. Verr. 1, 17.

make-believe prosecutor appeared and was given one hundred and eight days to tour in that province. If he had come back even a few days before Cicero, the case would have received precedence over that of Sicily, and the trial of Verres would have gone over to the next year, 69 B. C. As a matter of fact the case against the governor of Achaia was a sham. The prosecutor never even reached Brundisium, let alone Greece. The case against Verres actually came to trial, and Cicero delivered his speech [1] on August 5th, 70 B. C. The hopes of the defense were not yet extinguished. Games and holidays both regular and extraordinary were at hand. Prominent in the later class were the *Ludi Votivi* of Pompey, vowed during the Spanish campaigns. These games were to begin on the 15th of August and were to consume fifteen days. Very soon, almost immediately thereafter, were to occur the *Ludi Romani*. From both there would result vacation of courts amounting to some forty days. Things were then to drag on slowly to the games of Victory. Soon after the *Ludi Plebei* were due: in a word, the great design was to have the whole (as suggested) go over to the next year, when the praetorship of M. Metellus (to whom the lot for 69 had assigned this very court) would give sanguine hopes to Verres and Hortensius. Metellus himself was a member of the jury which heard the case on August 5th, 70 B. C. Cicero was indeed confronted with a bitter alternative. If then he were to launch the vessel of his oratory in this veritable ocean of malefaction, if he were to strive seriously to outshine the famous and dominant advocate, then the case might go over and the whole enterprise might founder on the shoals of favoritism and new intrigue. If on the other hand he sought a prompt and overwhelming verdict through the crushing mass of Sicilian affidavits, he must practice self-renunciation and limit his indictment to the narrowest compass. He preferred to win [2] rather than merely to shine. He devised a compensation. What had been denied to his voice through the hard necessity of circumstances, was to be set aside for his pen. He thus planned for a renown from the greatest case of his career far outweighing what his mere voice could have achieved: the plaudits of the moment counting little as over against the long line of future generations.

But it seems wise at the outset to relate the chief events as

[1] *Act. 1, 31:* Nonae sunt hodie Sextiles.

[2] Quintil. 6, 5, 4.

derived from Cicero's own terse record and from later references.[1] On concluding his three years' exploitation of Sicily, Verres had lavishly employed money to secure a jury in his own interest. But the lot favored him not (Act. 1, 16), and Cicero was alert in rejecting dubious talesmen. Verres was greatly depressed and hopeless, as it seemed. Then came the consular election. Hortensius Hortalus and M. Metellus, afterwards surnamed Creticus, were chosen for 69 B. C. At once the friends and counsellors of the indicted ex-governor assured him that now all concern and apprehension were at an end, he had virtually won his case. This they did not merely intimate or privately suggest, but fairly shouted it in the throng which attended the consul-elect to his mansion. The influence of the same consul-elect who was also the advocate of Verres, would sway and determine the jury in the impending trial (Act. 1, 20). So promptly and with such unerring forensic tact did the Arpinate bring to bear a pressure, a moral pressure, upon the jury (all *senators*) which was to decide the fate of Verres; he knew the tremendous power of publicity. No less did he utter a bold defiance aimed at Hortensius himself, timing it all to gain additional weight from the agitation then going on for a radical reform of the Jury system, as ultimately embodied in the *Lex Aurelia Judiciaria*. He clinched the whole matter with these words (as though uttering the current comments of the day): "He will indeed be snatched from you, but we shall not maintain our (present) courts any longer; for who will be able to refuse as to the transfer of the jury-service, if a Verres is acquitted?" And why (Act. 1, 20) should M. Metellus have rejoiced so exceedingly when the lot of the praetors assigned him the court *Repetundarum* for 69? Cicero himself had been a candidate for office, having offered himself for the Curulian Aedileship. Some of the Sicilian plunder of Verres (22–23) had been applied to defeat Cicero's election. Expert election-brokers were employed. One of these undertook to cause Cicero's electoral defeat for 500,000 sesterces ($22,000). Cicero certainly was *distrait* with all these new troubles and dangers. Finally an effort was made by the defense to intimidate the Sicilians who had come to Rome about the case. Verres himself openly canvassed against Cicero on the day of the election. This proved futile. Cicero was most handsomely returned and now could concentrate all of his energies upon the

[1] In the '*Secunda Actio*': I 20, 29, 71, 139, 151, 156, II 20, 102, 130, III 41, IV 16, (Heius).

case. All the intrigues of the defense failed. The case, as we have seen, was opened soon after the election, on August 5th. The keen advocate at once pushed everything to a speedy conclusion. The capital was still full of citizens from a distance (54) who had come for the elections, for the census (of Gellius and Lentulus) and for the games. The overwhelming sympathies of these temporary sojourners were with Cicero and hostile to Verres and Hortensius. Nothing escaped the shrewd management of Cicero. Charge after charge was recited, and confirmed by the proper witnesses. Even on the first day (2d Act. 1, 20) the affidavits then brought forward were enough to overwhelm Verres, while the proceedings of the second day (Aug. 6) deprived his friends and advocates not only of the hope of victory, but also of the resolution to make any defense at all. The third day so humiliated Verres that he sought relief by pretending ill health, seeking an excuse for silence. On the remaining days, when not only his recent provincial record but also his previous official career at the capital was reviewed, he was utterly crushed and overwhelmed. Hortensius had the technical right to cross-examine the Sicilian witnesses, but he rarely opened his mouth. In nine days (2, 156) it was all over, for Verres, without awaiting the verdict, went into exile.[1]

This splendid material however which Cicero himself had gathered, he was not content to employ merely to win his case with. Rather by the fiction of a "second trial" [2] he worked it up into a brilliant publication like the second defense of Milo (in 52 B. C.) and the so-called Second Philippic, in 44 B. C. He was not content to defeat the mighty Hortensius in the trial. He was resolved to unhorse the renowned advocate in a far more impressive and enduring fashion. The buoyancy of a splendid victory quickens and enlivens the famous Verrines. The five books, one and all, are permeated by a spirit of triumph. The aim of Cicero in the composition and publication was indeed personal and professional. Both of these. But for us and the enduring concerns of history he did vastly more. He accumulated

[1] Pseudo-Asconius p. 126.

[2] The scholiast thinks because Cicero intended never to prosecute more, and *therefore* to exhibit to his contemporaries what *were* his powers in this sphere, did he choose to exert them.

*Pseudo-Ascon.* p. 153: Tullius, metuens, ne tantum negotium paene tacitum praeteriret, finxit Verrem comperendinationi praesto fuisse, ut bis defensus accusaretur iterum. —

a great mass of incontrovertible data which show why the republic was doomed, at least why the exploitation of the Mediterranean world by the Roman oligarchy could not go on forever; further, how that correlative at home, the purchase and sale of the electorate (in spite of ever new laws de Ambitu) was the other running ulcer of the body politic, which was ruining the state and which ultimately delivered it to a military monarchy.

Verres was a type. It was his misfortune that he came into collision with the professional ambition of the rising Arpinate. It remains for us to utilize this material, if but concisely. For its importance is without parallel, and even the correspondence of Cicero (which for us begins two years further on) possesses no more impressive relations of things and times.

Of the tortuous course of Verres when he deserted Carbo for Sulla just in time, we cannot here speak at length. Later, on his way east, going out as *legatus* to the governor of Cilicia (1, 44 sqq.) he sojourned in Greece. A Greek town-official of Sikyon refused to give up money to him. The Greek was almost choked to death by smoke to make him give up (45). From the temple of Apollo at Delos (46) he removed certain pieces of sculpture by night; the vessel however was stranded, and the superior officer of Verres replaced the precious *Anathemata*. At Lampsacus on the Hellespont he heard of a young woman, daughter of an honorable Greek, Philodamos (62 sqq.), a beautiful girl, but of spotless reputation. Verres found a pretext for quartering one of his creatures upon her father. At his house a dinner party was arranged which Verres and his retainers attended. When they were all flushed with wine, the aforesaid creature of Verres, Rubrius, demanded of the host that his daughter be brought in. The father protested in vain. Then, realizing the shame and dishonor which his Roman guests were planning, he summoned his son. An outcry was made throughout the town, the Romans were attacked, a lictor of Verres was slain. Early next morning a mass-meeting of the citizens was held. With difficulty the town folk were kept from assaulting Verres himself. Verres went away to his province of Cilicia. But he did not rest until returning in company with the governor whose legate he was, he arrived at Lampsacus once more. A trial was held, and the father and brother of the fair girl were beheaded for having withstood the lust of the travelling Roman official.

In Rome in the year 74 B. C. Verres was the presiding justice

in the court of civil litigation (praetor urbanus). In settling the succession to an estate (104) he passed over the lineal and direct heir, a daughter, because her guardians had refused to give the praetor a bribe, and granted title (Bonorum Possessio) to a male relative who was named after her in the testament. His own preliminary announcement of procedure was so conceived (his edictum) as to favor second heirs (110–111), i. e, to allure them to contest the wills and arrange privately with the civil praetor.

The most influential person in the entire sphere of his judicature was his Greek mistress *Chelidon* (Miss Swallow). It was not worth while to consult the professional opinion of the great Civilian experts of Rome. Chelidon held court herself in her own chambers, where she made bargains for the official favors of her lover. Moved by influences like these, Verres often reversed himself in the most ridiculous fashion. During his year of office Verres also (128–129) had charge [1] of the repair of temples and other public buildings. He chose for exploitation the famous temple of Castor (and Pollux) on the Forum. The contractor for the repairs had been a certain Junius. He was now dead, and his civil obligations had passed to his young son, then still under fourteen, i. e. (a *pupillus* under a guardian). There indeed was no flaw in the work which might have furnished a pretense for refusing to accept the work done, and granting a discharge to the guardian of the lad. Some of the "Dogs" of Verres suggested that the columns of the temple be examined as to plumb,[2] an additional demand unknown to contract or custom. Another guardian (M. Marcellus) made a personal appeal to Verres; was he determined to ruin the boy? Even Chelidon failed to move her lover (138). Finally Verres, failing to receive the sum for which he desired to be bought, gave out a contract for replacing the pillars. The work was given out for 560,000 sesterces ($28,840). Some columns were taken down and replaced, by the original parts, drum by drum (145); others were not even touched by the contractor. Thus an innocent boy was ruined by the very praetor (146) who should stand instead of guardian to all children who lacked one. If a praetor dealt so with Romans in the capital on the very fringe of the Forum, within call of Rostra and Curia, how would he demean himself in dealing with provincials?

[1] Madvig, Vf. u. Vwt. 1, 286, thinks this was an extraordinary assignment due to a special S. C. cf. 130.

[2] ad perpendiculum exigere, 133.

Up to this point Cicero's indictment had proceeded in chronological sequence. From this point on, however, he determined to separate and coordinate his material. He therefore disposed of the Sicilian administration of Verres, in such a way, as to deal with Verres as chief justice of the province, his procedure in the matter concerning grain, in his robbery of works of art, and finally in the capital verdicts of the governor.

As governor of Sicily, Verres, taking a purely commercial view of his opportunities, could profit by four forms of official actions: *decreta*, *edicta*, *imperia*, *iudicia*, (2, 26). For what in Rome was assigned to many powers and functions of the current machinery of state, was in the province united in a single hand; the settlement of current matters referred to the governor (decreta) proclamations, (edicta) acts as chief commander of the forces (imperia). And the governor was surrounded by a host of subalterns and retainers,[1] all equally covetous and unscrupulous; his "cohort" or staff. A certain Heraclius inherited from a kinsman a fortune of 3,000,000 sesterces ($132,000) at Syracuse. There was a provision in the will, that Heraclius must place certain statues in the Palaestra of Syracuse. He was prosecuted for alleged neglect of this legacy, condemned in his absence and in the end stripped of all his possessions. Verres particularly revelled in the bronzes, rugs, silver-plate, and slaves of exquisite training. This was at Syracuse. Verres however treated the capital and Messana with a marked preference of favor. At the seat of government (2, 50) he showed positive favor to certain citizens. The influence of some of these, like Cleomenes, was due to the fact that they prostituted their own wives to the passions of the governor.

Metellus, the successor of Verres, cancelled some of the latter's most outrageous verdicts, but it was found (2, 62) that whatever was movable property was beyond reclamation. In such cases of dishonest verdicts Verres received nothing directly. Even the assignment of local priesthoods (126 sq.) he turned to profit, nor did he shrink from interfering with the usages of months and civil years as observed (129–130) by the Greeks of Sicily. The places of assessors Verres withdrew from the local elections (131) and sold them through a Sicilian confidant, Timarchides. Of course the latter feathered his own nest too. He served the governor also as a procurer, and was in one

[1] praefecti, medici, scribae, accensi, haruspices, praecones, 2, 27.

word his factotum among the provincials; in a way it was he who ruled the island for three years. The assessors (there were some 130) were ordered to contribute 300 denarii (about $56) apiece for a statue of Verres. Of course they found ways, as politicians generally do, to reimburse themselves in their purchased offices.[1] Some two million sesterces were voted in communities throughout the island to erect statues to the beneficent Verres, on the base of which in some instances the governor was dubbed a "saviour" (154). Such a one Cicero himself, earlier in this year 70 B. C., saw in Syracuse. Even at Rome there was such a statue of Verres, erected through fear by the tenants of Government land (150). In public squares, nay in temples, such statues were erected in that blissful triennium.

After his departure many of these effigies were promptly demolished by the flayed provincials.[2] There had been misgovernment elsewhere too, in Asia, in Africa, in Spain, Gaul, Sardinia, and in Sicily itself: but who ever heard of such acts of reprisal before? Even the Rhodians allowed a statue of Mithridates to remain (159). Verres also engaged in commercial enterprise. He caused to be exported for his account and profit from the port of Syracuse gold, silver, ivory, purple (176), cloth of Malta, rugs, utensils of Delian workmanship, grain, honey, but without paying any export dues to the Roman tax-farmers.

Book 3 deals with the grain and its manifold relation to the administration of Sicily. Here, too, Verres was the typical genius of exploitation. Sicily, the oldest province of the Roman empire, had never been conquered from the inhabitants, in the main. It really was not subdued and so had been permitted to preserve a goodly portion of communal and local self-government (14). But all the land, no matter what the previous status, was subject to a tithe, not only on grain, but also on wine, oil and small fruits. The holders of the tithe lands, the landlords in the larger sense, were called "Tithe holders" or *Decumani*.[3] These sublet their lands to the actual or direct tillers, the *aratores* or tenant-farmers. We may as well adopt the Roman term and call them "ploughmen." These latter Verres fearfully oppressed. He condemned them to pay eightfold, if their grain payments were

[1] dederunt operam, ut ita potestatem gererent, ut illam lacunam rei familiaris explerent (138).

[2] e. g. before the very entrance to the *Serapeion*, in Syracuse (160).

[3] s. v. *Decimani* in the Lat. Thesaurus.

short. That was the substance of one of his edicts. Another provision of the same was, that no ploughman might remove his grain from the threshing floor (*area*) (36) before he had settled with his decumanus or landlord; another that all tithe-grain must be transported to tide-water before the first of August. Thus the wretched aratores were between the upper and the nether millstone. Such decrees put all concerned in the power of Verres' agent. The first decree was a temptation to extortion on the part of the landlord: it was meant to breed litigation. The more litigation, the ampler the opportunity for the governor or his agents to sell justice. Many tenant-farmers in despair abandoned (17) their industry and their leases (47). Cases happened where the farmer actually was required to furnish more grain than he had reaped. Nor were the traders and brokers in grain, who in the main were Roman citizens, treated with much greater consideration by the Roman governor. To make the leases very expensive in new contracts was not very advantageous to the home treasury, when vast tracts began to lie untilled (47–48). Fear of Roman rods was sometimes brought into play (55) to make a tenant tractable, if he balked, or showed resentment, at the verdicts handed down by the land-courts appointed by Verres. While most of the aratores were Sicilian Greeks, it happened also that Roman knights took over wheat-lands for direct tillage. Even these were squeezed by the creatures of Verres. Prominent among these was Apronius. He sometimes exacted more grain than had actually been harvested in a given season (70). The land courts were often manned by men from Verres' staff. It was understood that Verres was in a certain silent but well-understood partnership with the landlords. Their payments to the governor's agent were best known to themselves. His intrigues with the wives of Sicilian landlords were paid for by the administrative favors towards the latter and by similar oppression of the tillers (77 sq.). Apronius let it be understood throughout the island, that his own share of the profits was small compared with that of Verres himself. In the entire range of grain-affairs there was one specific form of exploitation not yet mentioned. The governor of Sicily (under the Lex Terentia Cassia of 73 B. C.) had to purchase a certain amount of grain for the public granaries at the capital. A certain quota was allotted to each community of Sicily. In the three years, 73, 72, 71, B.C., the Roman treasury appropriated (163 sqq.) almost twelve million sesterces

($528,000) for the purchase of Sicilian wheat alone. Verres loaned out such funds for two per cent.[1] This seems to have angered the publicani at Syracuse and elsewhere, because they did not get the deposit or the use of it for some months without any interest charge whatsoever (168). A favorite device was to reject grain as not being of standard quality (172) and then mulct the community involved for so and so many sesterces per unit of grain measure. And this was precisely the sum which came out of the treasury of Rome; i. e. fifteen sesterces (66¢) per medimnus. But Verres in his accounts with the same entered a charge of 21 sesterces, this being the figure named in the Lex Terentia Cassia cited before. Finally there was the grain allowed [2] for the governor's table and household. It was customary however to have this compounded for in money. Now Verres demanded more than the money-equivalent, claiming that the difficulties of transportation made necessary a larger tax of money. Actually he demanded a sum of money (194) four times as large as the highest price paid for grain anywhere within the province. The rascality of the governor compelled some of the tenant farmers to sell even their stock and agricultural implements.

In the Fourth Book of the fictitious second trial Cicero gathered those misdeeds of Verres which the latter perpetrated as a lover of art and as a collector of works of art. The governor called it a pursuit (4, 1) (studium); his friends, a disease, a mental obsession; Sicily called it highway robbery. He was an expert. Now experts in art live in an atmosphere of their own; their scale of aesthetical terminology is apt to be wildly subjective. So Verres too was widely separated from the so-called layman (ἰδιώτης). Sicily with its superior wealth had long drawn to herself and transferred many of the choicest and most admired art-works from the mother-country, Greece. The variety of these works arrests our attention. There were reliefs of embossed silver, there were bronzes which still bore the name of Corinth (destroyed in 146 B. C.), there were cameos and intaglios, there were the works of plastic work proper, in bronze, marble or ivory. There were paintings, and also textile delineation, comparable to the Arras of later times. Such possessions, if they were within the purview of a Verres, were somewhat more dangerous than

[1] per month? he could hardly have loaned it for one whole year.

[2] § 188 sqq. *frumentum aestimatum*, a part of the appropriation comprehended in the term: "ornare provinciam." — cf. "cellae nomine," 195.

mere wealth, which often could be concealed in the strong-box (arca): it is essential to art that it be seen. Such possessions, we see, were apt to be conspicuous because famous. While in his other forms of speculation or extortion Verres had largely spared Messana, he could not do so in this, his strongest passion. Heius, a citizen of that port, possessed an Eros of Praxiteles, a replica perhaps of that famous Eros for which alone then Thespiai was wont to be visited by strangers. Also there was in the mansion of Heius a Hercules by Myron; further there were some basket-bearing maidens (Kanephoroi) by Polykleitos. Some of these had on occasion been temporarily loaned (6) to embellish aediles' shows for a period of four days or so. These exquisite treasures Verres took away. He claimed that he had bought them (8). But the very practice of purchasing was forbidden [1] to provincial governors, except to replace a slave or a beast of burden; for a genuine purchase was not considered even possible when the purchaser exercised really sovereign power and the seller was for the time being his subject (10). Perhaps Heius was tempted by a splendid offer. But the so-called sale was really effected for a ridiculous or nominal price, 6500 sesterces ($286) for the four pieces, while the Eros of Praxiteles,[2] the glory of the little collection went for 1600 sesterces ($70). Heius by the bye was an unwilling witness of Cicero's in the actual trial (Aug. 5–14) (16), unwilling, because he had been the head of a special municipal delegation sent from Messana to Rome to present an eulogy of the governor. Force, apprehension, constraint had been at the bottom both of the sale and of the mission to Rome.

As a whole, Messana had been favored by Verres, but privately many families there had been dishonored by his lust. There was a certain interdependence of the two things. He purchased a good character for himself by arbitrarily remitting certain burdens regularly imposed by the Roman government, a mode of preference which the Cilician pirates similarly extended to Phaselis. It was in Messana that he (23) established the very depot and magazine of his robberies. At that port there was built for him a special and large transport, which at the end of

[1] As we learn from this passage, G. Long quotes the later imperial usage, as settled in passages of the Digest 18, 1; 46 and 62.

[2] Thus a modern expert in art might refer to a Madonna of Murillo or Rafael, or a portrait by Dürer as "sold" for a few hundred dollars.

all was to carry his loot and treasure away. Messana too was the town where a Roman citizen was crucified (24) by order of the Roman governor. The "Verria" too, anniversary games and other celebrations were established there in his honor. Cicero by the bye, when he composed all this, was still smarting from the slight experienced in that town by him when making his tour of investigation (25) when all forms of official hospitality were withheld. Another classic work was a pitcher, an original work of Boethos himself.

Boethos of Chalkedon was one of those masters of plastic art who could ennoble the commonplace by a matchless combination of grace with truth. To him are ascribed the boy removing the thorn and the little boy struggling with a goose. (Overbeck, Gesch. d. Griech. Plastik, II, 2nd ed., pp. 126–129.)

This pitcher or ewer Verres discovered at Lilybaeum and took it. At Segesta (72 sqq.) there was a figure of Artemis of the most archaic type. Local antiquarians claimed that it was set up by Aeneas himself in his wanderings. Scipio Aemilianus found the statue at Carthage and restored it to the Segestans. Little cared the governor for one official refusal (76) of the town. He began to impose extraordinary burdens on the Segestans and harried them until they yielded. At Agrigentum (Girgenti) there was (93–99) a famous statue of Apollo, on whose thigh in small letters the name of Myron was recorded. This Verres coveted as well as a Hercules in bronze. The mouth and chin were then somewhat worn or smoothed, because (94) in prayers and thanksgivings the devout were accustomed not only to worship it but also to kiss it. Verres' men attempted to remove it by night but were repulsed by a general alarm of the community. A Phrygian Great Mother (Kybele) was taken from Engyon. From the same shrine (97) were removed corselets and helmets of hammered bronze and large ewers of the same workmanship. A very ancient figure of Demeter at Catana was removed by the governor's slaves from a temple, to which male worshipers never had access. The island of Melite (Malta) belonged to his province also. On a promontory there was a sanctuary of Hera (Juno) which neither Carthaginian nor pirates had ever despoiled. It was really a Phenician community. Verres spared it not. Of the two figures of Demeter at Henna he carried off the smaller one, the other being too large (109–110). The statuette of Vic-

tory however, from the hand of the latter was added to his collection. Cicero skillfully brought in great figures of the past, men like Scipio Aemilianus, like Marcellus, by the way of contrast with the despoiler.

Last of all (b. 5) Cicero reviews the verdicts imposed by Verres in capital cases. The administration of Verres occurred at the very time when the slave war of Crixus and Spartacus was aflame in southern Italy. But it was not Verres but Crassus who prevented the embattled bondsmen from crossing over from Italy to Messana (5). Since the previous slave war (Liv. 69), 101–100 B. C., even the wearing of arms by slaves in Sicily had been made a capital offense. Incidentally however Verres had capitalized even this juncture of affairs. Certain slaves (10 sqq.) suspected of sympathies with their brethren in Italy, and even found guilty and tied to the pale [1] were restored to the owner, i. e. for a consideration. On the other hand Apollonios of Panormus (16 sqq.) a rich man had a somewhat different experience. Verres charged that a chief herdsman of Apollonios was stirring up the slaves on the estate. But Apollonios had no slave with the name given in the charge, and was consequently clapped in prison. Neither son nor father were permitted to see him in prison. The petitions of the city council of Panormus were ignored. After one half year the Greek gentleman bought his freedom, having served as a useful example (23) to other provincials, to make them more pliable in coming to terms with the governor. But Verres was called upon too by the circumstances of the times to act in a military capacity, nay, to conduct operations of war. His mode of living, his general regimen (26 sqq.) was indeed peculiar. In the winter months he did not go out of doors at all, but spent the short days in banquets and the long nights in debauchery. Spring he officially recognized with the reappearance of the rose. Then active life and tours were in order. But no one ever saw him on horseback, "As was the custom of the kings of Bithynia (27) he was carried in a litter by eight porters in which there was a pillow of gauzy texture of Malta stuffed with roses. He himself had one garland on his head, another one around his neck, and he kept applying to his nose a little net of very delicate linen with tiny spots, full of roses." Thus making his tours, whenever he came to a town he was carried in the same litter to his chamber. Matters of litigation were privately pre-

[1] to be burned alive.

sented: the verdicts were by and by carried away (by the purchasers). In every town where assizes were held, a Greek woman was appointed for his lusts, generally (28) a lady of no mean social station. His banquets often ended like veritable battles. In summer time (when harvesting and threshing everywhere exhibited the actual prosperity and resources of regions and communities), instead of traversing the province, he remained at the capital of the island. For his abode he chose a point at the entrance of the harbor (30) where tents were erected. All the women whom he had distinguished in his own way, were his guests: even his own son was of that company. It was really his harem, and the jealousies of his favorites stirred gossip and society in Syracuse. While Forum and law-courts [1] were forsaken, the waterside resounded with the concerts of his orchestra. A military commander indeed! Such were his favorite camps and campaigns. But there came on a serious interference with these amenities of the governor. It was that last decade before 67 B. C. when the maritime sway of the pirates was reaching its climax. Now Verres (as we saw) excepted Messana from the obligation of furnishing its quota of a fleet to meet or repel the freebooters (44 sqq.). That port (as intimated before) was the starting point of a huge vessel which ultimately carried his treasures to Italy. Cicero himself saw the vessel, before the trial, at Velia. It was (47) built by Messana,[2] the timber being furnished by Rhegium. As to the fleet, Verres no longer (60) followed the established way by which each community fitted out its own contingent directly. He ordered that all payments be made to himself; further he relieved the sailors from service for a definite price, and pocketed their pay, while giving nothing to those who did serve. Each summer's furlough consequently brought in two kinds of fees which augmented the governor's income. A single pirate ship with a rich cargo (63) was accidentally captured. The captain of the craft was concealed from the public gaze instead of being promptly sent to the block. The famous quarries (lautumiae) of Syracuse never harbored this malefactor; he was kept at Centuripae, an interior and agricultural town, provided with every comfort. All pirates, beside, who were physically favored, or possessed some trade or professional skill (71), were

[1] topic resumed in 80 sqq.

[2] Little doubt but that Cicero set out to injure Messana before the public opinion of Rome in a digression due to his wounded *amour propre*.

not beheaded. In their place were executed certain Roman citizens, some of whom were charged with being Sertorians escaped from Spain, others with having been found on pirate vessels, where indeed some were held for ransom. Money and profit was the only policy which Verres pursued. Among the Syracusan matrons whom Verres distinguished in his own way there was one (82) whose features were of striking beauty, Nike, wife of Cleomenes. Therefore Verres appointed the latter commander of the fleet, a man who was not even a Roman citizen. But this squadron, on account of the peculations and lucrative practices of the governor, was wretchedly unfit for serious service. The pirates hove in sight; but Cleomenes fled on his swiftest vessel. The other ships followed this example, most of them being abandoned near Helorus. Here they were burned by the freebooters. Alarm at Syracuse; the populace was justly enraged at their governor such as they had. Meanwhile the pirates sailed for Syracuse, boldly entered the inner basin, the very heart of the city (96). Cleomenes shunned the public gaze. Verres was finally drawn from his chamber by the general outcry; to him the scene perhaps was a reminder of Lampsacus. His luxurious wantonness, and the names of certain matrons of Syracuse so dishonorably connected with his own, were the subject of excited discussion there. The pirates had but four swift galleys (myoparones), yet they met neither foe nor hindrance. It was only when they had disported themselves before the impotent burghers to their hearts' content, that they withdrew. The scandal of it all was oppressive and all pervading. A state-trial at Rome seemed to loom up with certainty. Verres then with singular craftiness (102 )induced the Sicilian captains to make formal deposition, that they severally had had a complete and full crew, and there had been no furloughs. Verres even saw to it that in these affidavits there were used the private seals of the friends of the captains. Then it occurred to him that the oral testimony of these captains might at some future time greatly jeopardize his interests. The captains therefore were summoned to his tribunal (106) and placed in irons, fifteen days after the discomfiture of the Helorus. In vain they pleaded that they had no proper equipment of oarsmen; in vain their kinsmen, their very parents, hastened to Syracuse to intercede at the governor's tribunal. They were all condemned to death and their parents passed the last night at the threshold of the goal. The execu-

tioner, the lictor Sextius, there made profitable bargains (118) with the kin of the victims. He sold for money the very procedure of his impending performance, i. e. to dispatch a given son with a single stroke of the axe. Even burial permits were sold by Timarchides (120), the official attendant (accensus) of the governor, sold even before the execution. They were all beheaded but Cleomenes, the commodore of the little squadron. Nike, his spouse, won this victory for him. To this recital Cicero (139) adds something which the greater latitude of Roman court-procedure admitted, viz. to relate how Verres dealt with many traders who claimed Roman citizenship. Some of these Verres deprived of their cargoes, others were thrown into the quarries at Syracuse, while a few like Gavius of Cosa were crucified with exquisite tortures.

When one considers and reviews this literary work of Cicero, there are many important items, both contributions for the history of that time as well as ample data of the rapidly rising orator's self-revelation. Its tremendous vigor is impressive. Cicero had won before he penned a word. While the large whole is constructed as if it were the presentation of the crushing and overwhelming evidence, it is really in many ways the paean of victory. This is particularly noticeable where he turns to Hortensius, sometimes with rhetorical indignation, sometimes confronting him as the champion of the privileged aristocracy, sometimes covering him with ridicule (5, 32).

There is in the plan of this brilliant work a certain climax. The third book abounds with many somewhat dry details of grain and land. But in 4–5 this aridity is forgotten. The first of these enumerates sacrilegious robberies of Verres in the domain of art; his reckless and defiant wickedness seems to loom up larger and larger. But in the last book there is the cruelty of Verres' capital verdicts, his lustful and cruel conduct, when throughout the decapitation of the captains he desired to remove inconvenient witnesses from the coming judgment, when he crucified a Roman citizen with his face turned toward Italy. But from the infinite and harrowing detail of the great case he turns to general surveys and to universal indictment of that exploitation of the Mediterranean world in which Verres and the Verrine records were a mere incident (5, 126). "What asylum shall the provincials seek? Whom are they to implore? What hope will hold them to desire continued existence, if you will abandon them?

Will they go to the senate? What for? That it shall impose penalty on Verres? But it is not customary, it is not senatorial. Shall they make the Roman people their refuge? The people's interest is obvious, for it will say that it adopted the statute for the sake of the provincials and placed you as guardians and avengers in charge of the statute. This then is the only place to which they may flee in such a way as formerly they were wont to in the trials of extortion. It is not silver, nor gold, nor stuffs of textile fabrics, not slaves which they try to recover, not objects of adornment which were wrested from towns and from shrines, no, the simple folk fear that now the Roman people permits these things and desires that this procedure shall prevail. For we have been enduring it and said nothing, when we have been saying that all the money of all nations has come into possession of a small number of men.[1] This we seem the more to bear with equanimity and to permit, because none of these persons dissembles, none endeavors to have his greed appear as withdrawn from the light. In our city of Rome, so fair and so splendidly adorned, what sculptured figure, what painting is there, which has not been captured from a defeated foe and carried away? But the country seats of those persons are adorned and crowded with the numerous and fine spoils of our most loyal provincials. Where do you think is the money of foreign nations which now are all destitute, when you see Athens, Pergamos, Cyzicus, Miletus, Chios, Samos, the whole in fine of the province of Asia, Achaia, Greece, Sicily, locked up in a few country seats?"

In this jury there were some of the foremost members of the old families of Rome: Quintus Catulus (4, 69) sat there, chief commissioner for the rebuilding of the temple of the Capitoline Jove: associated with him were a P. Cornelius Scipio (4, 79), a Marcellus, a Servilius. And as regards the great names of the past, the Arpinate pleader yielded to no one in his admiration of these,[2] men like Marcellus of the Hannibalian war, Flamininus, the victor of Macedon, Aemilius Paulus or Mummius (1, 55) or Scipio Aemilianus, who, after destroying Carthage, restored artworks and temple figures to their former owners and to communities of Sicily (2, 3). Cicero in this way keenly distinguished between these worthies of a better past and the privileged class

[1] Cf. Catiline's Address in Sallust.

[2] These furnished the *exempla* in rhetorical theory and practice, cf. Cic. Topica, 45.

of his own time. These exploited the empire and had gone far in a life of wasteful luxury and ignoble decline from ancient standards, while buttressed from serious danger by the exclusive jury privilege assigned them in Sulla's restoration. Cicero at this time frankly antagonized them, nor did he hesitate to emphasize his own *newness*. He had, as we saw, measured himself with their most brilliant and renowned orator. Hortensius alone had stood in his way and Hortensius had been utterly vanquished. There was now left no rival whom he cared to notice or consider.[1] Men, as we all know, are proud of accidental names or ancestral fame, a glamor unearned and undeserved, at bottom a fancy and a form of vicarious conceit: we need not marvel then that Cicero, flushed with this surpassing professional victory, was proud of the fact that he owed nothing to ancestral names and to the social prestige of Roman aristocracy, but everything to his own determination and industry alone. For this great publication threw into the shade Cato and Gaius Gracchus, nay, L. Crassus and M. Antonius. It contains many utterances of a distinctly personal nature. He feels himself (5, 180) as deeply differing from the high-born aspirants after public distinction, "upon whom all the favors of the Roman people are bestowed while they sleep." It is with the first Cato, with Q. Pompeius, Caelius and Marius that he ranges himself. He is aware (§ 181) that there is underhanded envy and enmity for himself in certain members of the nobility. The aristocrats of Rome, fairly all of them, do not look with kindly eyes upon the efforts of the Arpinate.[2] The rising orator was not indeed made of a stuff as stern as the peasant's son of Tusculum, Cato the elder; the latter's public life was an almost unbroken series of challenges of malefactors belonging to the aristocracy, and even of its most brilliant and renowned members. Cicero had keenly seen that the policy of choosing the defense would raise far fewer difficulties in the path of the pleader who sought the higher honors of public life. The announcement is therefore made, almost at the very conclusion (183), that henceforward he would confine himself to the practise of defense. The impending change in the jury-system is repeatedly [3] alluded to. Now (5, 233) under the Cornelian law, the senators hold the exclusive privilege of acquittal or condem-

[1] Brut. 319.

[2] 5, 182: Hominum nobilium non fere quisquam nostrae industriae favet.

[3] 3, 94; 168; 223; 2, 1; 5, 177. —

nation, when they were steadily alive to the prospect of getting their own turn by and by in the exploitation of some province. Is there then to be no redress for the Mediterranean world? Little doubt but that the following words were written when the praetor Aurelius Cotta had actually put through his reform (ib.): "If it is so (viz. if there is really no redress) what can we say in opposition to the praetor, who daily holds the temple (harangues the people from the steps of the temple of Castor), who declares that government cannot recover its proper balance (sistere) unless a share in the juries be again given to the Equestrian class?" As a matter of fact the *Lex Aurelia Judiciaria* was a compromise. It had been promulgated in August when the brief trial was held. . . . Not one, but all three classes of Romans were to have due representation on the Roman juries.

Cf. Lange 3, 197. Botsford, Assembl. Plut. Pomp. 22, is not exact: (καὶ τὰς δίκας περιεῖδεν αὖθις εἰς ἱππέας νόμῳ μεταφερομένας). Curiously the Epit. Liv. 97 contains the same inaccurate statement: Judicia quoque per L. Aurelium Cottam ad equites Romanos translata sunt. Cf. also Fischer Zeittafeln sub anno. The praetor urbanus was to constitute the panel equally from the Senate, the Equestrian class and from the so-called Tribuni Aerarii. The later was the highest social stratum of the plebeians. Of course Cicero in time was to find that the new system did not preclude corruption of the juries, as in the trial of Clodius in 61 B.C. On the whole, Cicero in 70 reveals the consciousness of the Equestrian class, although he was now a senator. Incidentally we learn that (2, 181) much of his forensic practice was now in the litigation brought by the tax-farmers; namquod in publicanorum causis vel plurimum aetatis meae (the greater part of the eleven years past) versor, vehementerque illum ordinem observo . . . it was come to be a custom, a habit for Cicero; it was his interest, too, to consult the interest, to be active for the tax-farmers who really were the chief bankers and capitalists of the empire. They seem to have operated altogether by association and combination, and, if I am not mistaken, they did not antagonize or compete, group against group; there was a curious solidarity of capitalistic enterprise. On the new law cf. also Vell. 2, 32 on Trib. Aerarii, Madvig Vf. 1, 182 sq. On Cicero's equestrian sentiments and consciousness cf. 2, 174: nempe eorum (i. e. equestris ordinis hominum) quos ii, qui severiora indicia desiderant, arbitrantur res iudicare oportere, quos videlicit nunc populus iudices poscit, de quibus legem ab homine non nostri generis, non ex equestri loco profecto, sed nobilissimo (i. e. Aurelio Cotta) promulgatam videmus . . . Cicero's daughter 1, 112.

Examples of Cicero's satire and persiflage: 1, 100, 106, 115, 121, 136, 139, 154; 2, 19, 22, 36, 46, 52, 76, 108, 139, 154; 4, 7, 40, 53; 5, 26,

49. Hortensius: 1, 151; 2, 76, 191–192; 3, 182, 223. Specimen of πάθος 1, 76. Accusatorie 2, 176; 5, 19. Rhet. Indignatio (δείνωσις) 1, 87, 93; 2, 43; 3, 143. Dilatare 3, 207. Conscious manipulation of style, 3, 196; 4, 105, 109. On the problems of time, in the preparation for, and in the actual trial, cf. Th. Zielinski, Philologus, vol. 52, pp. 248–59.

## CHAPTER TEN

### *FROM THE AEDILESHIP TO THE THRESHOLD OF THE CONSULATE*

### 69 B. C.

Cicero's defeated rival was consul in this year, while he himself was Curulian Aedile.[1] The chief function of this magistrate originally was to care for the temples and other public buildings. Further he and his colleague had to supervise the markets [2] and streets, and the order therein. As chief authority over the visible Rome he had to adorn, so to speak, the face of the town, and provide and supervise certain games, which, in a manner peculiar to classical antiquity, were bound up with the anniversaries of the state religion. Also (legg. 3, 6) he was entrusted with some supervision of the price of bread and the grain supply (*annona*). The checking of fires also belonged to him. In connection with games Aediles had a certain power and discretion as to plays. Decorum and decency on the surface of life, no less than proper regulation of trade and traffic, was in their department also. It was not easy for a man of moderate wealth to please the populace of Rome in this office. For this was the occasion and service in which a candidate for higher honors strove to commend himself to the electorate and lay up its good-will for future candidacies. Besides, in this office, the spectacular part thereof brought on a veritable competition between the different Aediles. Here such a one [3] could sow a harvest to be reaped later on. The pleasant remembrances of stage and arena often levelled the way to the consulate. To Cicero certain games were assigned soon after his election (July–August 70 B. C.). Even in advance of his entrance upon the office he spoke of these with a certain gravity and seriousness, not quite free from the manner of one wooing public favor (Verr. 5, 36): "I am to produce most venerable games with great care and ritual precision

[1] Suringar p. 80. v. *Aedilis* in Latin Thesaurus. *Verr. 5, 36.*

[2] hence ἀγορανόμος

[3] Muren. 38 sqq.

(caerimonia), to Ceres, Liber and Libera; I must gain the goodwill of Mother Flora for the people and plebs of Rome with the full attendance at her games; I must give the most ancient games, which first were called the Roman games, with supreme stateliness and precision, to Jupiter, Juno, and Minerva; that to me the care of the holy temples, to me the supervision of the entire city is entrusted; that on account of this toil and care those ultimate rewards are given, a more advanced place in the debate of the senate, the embroidered toga, the curule chair, the right of bequeathing my portrait-bust for a record to my descendants." Cicero [1] gave the Cerealia about the middle of April, the Floralia at the end of that month and at the beginning of May; the Roman Games were due in September. Cicero was thirty-seven. As yet he cannot have been positively well to do. Still his practice had been with the capitalists mainly. The Lex Cincia did not reach the many ways, like legacies, through which the patronus was duly remembered. His Aedileship did not cost him so much, after all.[2]

To this year (by most scholars) is assigned Cicero's defense of *Fonteius*. This man had governed the Roman province of Narbonensian Gaul. His administration had been almost in the same years (74–72) as that of Verres in Sicily. His colleagues in the senate, just as with Verres, had not sent him any successor for a long period. A single year was not adequate for effective exploitation. It is fortunate for the reputation of this governor that the brilliant pleader (and now at thirty-seven leader of the Roman bar) was the defender and not the prosecutor of Fonteius.

In the MSS. the Introduction (exordium) and the statement of the case (narratio) are lost. We have but portions, and the most valuable part of what is now at our disposal, was enlarged by an important find of Niebuhr's.

In the introduction,[3] Cicero *en passant*, as it were, uttered a kind of imperial sentiment, to engage the Roman prejudices of his jury at once, viz. nothing was at stake in this trial but this, "that the magistrates in the provinces henceforth will not dare

[1] Drumann 5, 329.

[2] Sane exiguus sumptus aedilitatis fuit, *Off. 2, 59*. He had carried every one of the 35 tribes (cunctis suffragiis).

[3] A passage preserved by Julius Victor, Rhetores minores, ed. Halm, p. 423.

to give orders to the provincials in matters which are in the interest of the Roman government," thus cunningly playing on the Roman, i. e. the imperialistic sentiment of his jury before he made any serious beginning to elucidate the facts of the case. No modern presiding justice would permit a pleader to utter what Cicero did in this case, when he traduced the moral character of the deceased mother [1] of the prosecutor in the case, a certain Plaetorius. The trial was under the new jury-system, but in the same court as that of Verres had been, viz. for extortion in a province. It is unmistakable that Cicero's case was weak. The jury should prefer the evidence of Romans to that of the suffering provincials (4) — what, we may say, if this had been done in the case of Verres? The written documents and records of the governors shall weigh more heavily than the wilfulness of barbarians. Subdued subjects are not reliable witnesses against their administrators. Fonteius sent supplies and funds to Spain (13) to support Pompey in his war for the home government. Condemn Fonteius (27) and you will advance the independence, the autonomy, of the provinces. (One might have rejoined: "would not such an outcome of this trial attach the provincials more firmly to the home government?")

One of the chief witnesses for the provincials was Indutiomarus, a nobleman among the Kelts (46). To discredit him the orator resorts to a somewhat petty trick. Indutiomarus is offensively positive, for he always says "I know" instead of using the more customary and more modest term: "I suppose." Did not the Gauls once set out to destroy the oracle of Delphi (30)? Do they not still, in a certain ritual practice, maintain the enormity of sacrificing human beings? The Gauls are enemies of Rome: will the jury conjointly with these enemies destroy Fonteius? Do they demean themselves at Rome with due humility? No, they actually wear breeches (33) and hold their heads high. They are loud in their manner and ready with angry declamation. Thus the cunning pleader did not prove the integrity of his client, but sought to prejudice the jury against the provincials. Even less relevant was the telling of Fonteius' gallant services elsewhere, or the general distinction and the ancient prestige of that Tusculan family (41). Fonteius served with distinction in the Italian war (90–89). There is a dearth of such men in the senate to-day! We appreciate the art and

[1] Quintil. 6, 3, 51.

force of the peroration: but it is an appeal to the emotions, and to emotions only, chiefly to those of pity, where the orator points to the defendant's mother and to his sister, a Vestal Virgin. Of the guilt of Fonteius [1] there cannot be any reasonable doubt.

As a matter of academic tradition we may here insert some concise relation of Cicero's defense of *Aulus Caecina*. It was a civil case and the facts were these: Caesennia, a widow of the town of Tarquinii in Etruria, after the death of her husband and of her son, married A. Caecina of Volaterrae. Dying, she willed to the latter the greater part of her estate. During her lifetime she had given a certain Aebutius the commission (mandatum) to buy some land contiguous to her dowry-farm. After her death Aebutius claimed this piece of land as his own; he had also received a legacy in the will of Caesennia. Now arose a question of ownership between Aebutius, the purchaser-agent, and between Caecina, the widower and chief heir of the deceased lady. The trial now held was the third one in the case. It was held before *Recuperatores*, i. e., before referees appointed by the praetor urbanus Dolabella. Aebutius was in possession. It had been arranged by the litigants that a form of ouster (deductio) was to be practised or executed against the claimant, Caecina, who thereupon was to seek redress from the praetor. But when Caecina approached the land, to be ousted in the conventional or formal way, he was not even allowed to enter at all, but was kept at bay by armed men and by threats of violence. Aebutius claimed that Caecina had not been ousted at all. Thereupon the Praetor issued an injunction (*interdictum*) concerning violence and ouster. Aebutius claimed that ouster had not taken place at all, and consequently there was no way of effecting any legal restitution. The patronus for Aebutius, C. Piso (35), contended, that, as there had been no ejection, the Injunction of the Praetor could not come into play at all. The labor of Cicero turned on the wording of the Injunction, and there is much exegetical argument on the difference between being ejected or ousted, and being repelled (reici). We must be doubly cautious in weighing so complicated and technical a matter. To pass it over entirely would be to ignore, or to remain ignorant of, a very large and very important side of Cicero's professional life. The very fact that he published a number of his speeches dealing with such civil cases seems to signify that he kept himself deliberately in the foreground as a distinguished and a successful practitioner in that particular field. The fact of the publication may permit us to assume that he was successful in the end. We may compare this speech with that of pro Quinctio (his first professional publication); we observe a decided difference. He is now more calm and more self-possessed. At the same time he does

[1] This speech, though published, does not seem to have gained any place in the class-room.

resort to one of his favorite devices, viz. ridicule and scorn, whereby he not only prejudiced the status of his adversary, but also amused and entertained the Recuperatores, whose duty it was to follow the technical and tedious detail of the case. This too occurred in the statement of facts (the narratio): "Aebutius (14) a type of man with which you are familiar in daily life, gentlemen of the court, such a one as flatters women-folk, an expert in widows, a defender all too fond of going to law, hardened when near the Regia [1] or easily roused to a feud, but silly and stupid among males, an expert in law and cunning among women, this is the type of character that you must bestow upon Aebutius." In the age of Nero and Vespasian this speech had virtually disappeared from the rhetorical schools of Rome; cf. Tacit. Dial. 20: quis de exceptione et formula perpetietur illa immensa volumina, quae pro M. Tullio et Aulo Caecina legimus?

In this year then the consuls were Metellus and Hortensius, as noted above. The latter belonged to that average of actual humanity, whose ideals and aspirations are really determined by material aims, whose energies slacken when the outward bounties of life have been gathered in. Our tradition records nothing whatsoever of his consular year but one thing:[2] evidently much of the industry, much of the dazzling brillancy of Hortensius had been directed to this consummation, viz. to be consul. Afterwards he became markedly indifferent and indolent. None of the ex-consuls could be compared with him in his chosen field, and he affected a certain disdain for his juniors. He too was dominated by the current ideals of his own class whose life largely was spent in good living. Cicero intimates broadly enough [3] that *he* at least considered it a false ideal. Hortensius did not care to go into a province and so add to his wealth, but yielded to his colleague Metellus who went out to Crete. There indeed the exigencies of the times called for a military character and a vigorous campaigner. Hortensius knew his own limitations. In Sicily we observe the denunciation by Cicero of Verres was bearing some fruit; a new order of action seemed imperative. The pro-praetor Metellus evidently had resolved to be unlike Verres at least, though he had done much to impede the prosecution of the same. So he vigorously undertook the task of purging Sicilian waters from the pirates, particularly to drive away the chief freebooter Pyrganio,[4] the very chief who had entered the inner harbor of Syracuse in Verres' unspeakable administration.

[1] Contriti ad regiam. Another reading: conciti ad rixam.

[2] Brut. 320.

[3] *beatius*, ut ipse putabat.

[4] Orosius 6, 3, 5.

Another, and a more eminent member of the privileged class, Lucius Lucullus, in this year added to the laurels of his eastern campaigns. Mithridates was in bad case. One of his own sons, Machares,[1] had sent a golden wreath to the Roman imperator and begged to be recognized as "Friend and Ally" of the Roman People. For the first time a Roman commander crossed the Euphrates. In Lucullus's company had been the Greek poet and improvisator Archias and the Greek philosopher Antiochos; the former still was there, the latter died in Syria. Lucullus was, like Cicero, deeply imbued with Greek culture; he wrote memoirs in Greek and sometimes, for he was a politician too, deliberately blundered in his Greek grammar.[2] His married life was unhappy, for his wife was one of the Clodias, whose radiant beauty and ancient lineage had perhaps tempted Lucullus to overlook the fact that she had no dowry.[3] The great Claudians had come to be impoverished, and in the prevailing decadence of the aristocracy they yielded to none in setting the pace. As for Cicero we may be quite sure of one thing. He was so wrapped up in Forum and courts and cases, that he concerned himself very little with news of the campaigns and the advances of Roman eagles. Years passed, and his concern with Caesar's mighty achievements in the northwest of Europe was aroused only when political exigencies and self-preservation compelled him to take an interest. It is not likely that Cicero at this time gave any serious attention to such bulletins read to the senate; deep in his heart he was jealous of military fame and passionately eager to outdo it some day in his own way and by his own talents.

## 68 B. C.

In this year there were inaugurated as consuls L. Caecilius Metellus and Q. Marcius Rex. The former died soon afterwards, and Marcius governed alone. Lucullus began his campaign late. There were voices at Rome which charged that he desired no speedy conclusion of the war.[4] This view began to command a majority in the senate about this time. Even before this the province of Asia had once more been assigned to praetorian governors. The oligarchy was not afraid of a Verres, but it was apprehensive of any one who, with an army attached to his per-

[1] Plut. Lucull. 24.
[2] Att. 1, 19, 10.
[3] Varro R. Rust. 3, 16, 2. Quarum alteram sine dote dedi Lucullo.
[4] Dio C. 36, 4.

son, might reenact the role of a Sulla. It was the middle of the clement season when Lucullus took the field, and before winter came, he saw himself compelled to turn southward into Mesopotamia. Here Nisibis lay, which Lucullus secured for his winterquarters, capturing there a brother of Tigranes, "king of kings" and sovereign of Armenia. Lucullus often [1] had to be absent during this winter on various missions. Here young P. Clodius Pulcher [2] first appears in public life. He was then probably on the staff (cohors) of his distinguished brother-in-law. But he used his opportunities to foster a mutinous spirit in the troops of Lucullus. Cicero later on (61 sqq.) was to find in him an adversary of wonderful resourcefulness and perseverance. He then represented the most modern spirit of young Rome; that is to say, the tendency towards luxury and dissipation, where ruin and ruination waited upon one another. These gilded youths positively gloried in unheard-of flights of immorality, and a prospect of a revolution was to most of them a familiar thought, to most of them the only salvation in times to come. In this year were written the first letters of Cicero addressed to his friend Atticus [3] which we now possess. The peculiar gifts and talents of Atticus were a positive complement of Cicero's *ingenium:* particularly was Cicero in constant need of so cool and correct an observer of men and of things as Atticus was. He knew how to keep out of all visible partisanship in the ever-quickening vortex of factions and personal ambitions. In the art of conferring favors so as to leave no sore behind, he may be compared with Caesar himself. While he had a large country estate at Buthrotum in Epirus, opposite Corcyra, his residence the greater part of the year was at Athens. He spoke Greek with great purity and fluency; nay, he thought in Greek to some extent, and to him Cicero's serious citations of nobler sentiment, the little quips and swift allusions of elliptic phrase often, the employment of Greek terms and parallels to conceal his meaning from other eyes — all these things found his friend's mind and

[1] Dio 36, 16.

[2] *Wissowa:* Clodius, no. 48; Cic. de Harusp. Resp. 42, where the chronological sequence is not maintained.

[3] The *vita* of Atticus by Cornelius Nepos was written after March 31 when Atticus died, *Nep. Att. 22.* We marvel that Atticus delivered to Tiro (or consented to the publication of) all these letters of Cicero to himself; but we must not forget that there was not a single one written by Atticus himself in the entire collection. Nepos is often more unctuous and gushing than exact.

pen swiftly and completely receptive. We may as well insert here one of the most significant appreciations of these relations penned by Cicero himself (Att. 1, 17, 5): "And I did not think there was any difference between me and you except the design of the lives we have set up for ourselves, because a certain ambition guided me to the pursuit of office, and as for you, another by no means blameworthy conception of things guided you towards honorable privacy" (otium). As far as capital and the interest thereon were concerned, the life of Atticus abounded in *negotia*. The relation of their friendship and mutual concerns will appear in the proper places in the further chapters of this biography. To the cooler vision of Pomponius Atticus those men who entered upon a political career were like those persons who entrusted themselves to the tides and billows of the sea on which they were carried along without having any control over them. Thus matters had gone between the friends for a long time. Some eleven years had now passed since the pair, in the joyous and growing maturity of earlier manhood, had sojourned together and visited so many memorable spots in the classic city of Athens. Meanwhile too, through Cicero's initiative, a marriage had been arranged between Pomponia,[1] the sister of Atticus, and Cicero's only brother, the impetuous, impulsive and infinitely sensitive Quintus Cicero. Perhaps in bringing about this union, Marcus had thought more of himself than of brother Quintus. As the latter disliked the rhetorical art and never became a pleader, the dowry of Pomponia may have figured in his arrangements of life. On his own side (apart from his modest patrimonium) Quintus could not contribute adequately toward the support of the establishment unless it was by provincial appointments and a career in the field. For the latter sphere he had more than ordinary aptitude, as for the former he seemed to suffer from a deep inclination to yield himself up unreservedly and uncritically to the guidance of inferior beings who knew how to cultivate his weaknesses and prejudices.

Even then, in 68 B. C., the relations between Quintus and his spouse often seem to have been strained (Att. 1, 5, 1). In this year there died Cicero's cousin Lucius, who had accompanied him on his eastern tour and aided him in 70 B. C. in the task of gathering the Sicilian depositions.

We now for the first time hear of Buthrotum on the channel of

[1] *Nep. Att. 5* easque nuptias M. Cicero conciliavit.

Corcyra. Atticus by actual summer residence satisfied himself[1] that it was a good purchase. At this time Cicero, thirty-eight years of age, was already the owner of a villa above Tusculum, on the northern slopes of the Alban Hills. He was eager to adorn this seat with Greek sculpture and make it his favorite abode. For thence one could sweep with the eyes the slope of the Albans northward, the wide plains of Latium and mark Rome itself, in clear weather, on the northern horizon. There was a physical nearness, but in taste and nobler pursuits a very positive remoteness from the din and smoke of the capital. Cicero worked intensely, and for finer recreation this villa never was far away.[2] He bought it with borrowed money. Many legacies and other professional rewards were quite sure to come to the busy advocate. He was not forty and already at the head of his profession. How far Terentia urged him in his policy of expansion we cannot well determine.

Her dowry (acct. to Plut. Cic. 8) was 100,000 drachmas — $18,000. The other data of Cicero's possessions in Plut. 8 are a mere hurried jumble, with little survey or real perspective, where the Biographer actually seems to have confounded Arpi with Arpinum. The old place really figured little in the routine of the rising Cicero. The Tusculanum once belonged to the great Sulla himself. The aristocracy seem to have been displeased at the intrusion of the advocate from Arpinum.

On November 28 of this year Cicero's father died; he had long been in feeble health, living largely with some scroll open before him. He probably closed his eyes in the house in the Carinae. There seems to have been complete harmony between Quintus and Marcus as to the estate, at least there is no word to the contrary.

Critics, uncritically charging themselves with the fancied necessity of preserving for Cicero a more adequate filial tenderness, have taken umbrage at the extreme brevity of the notice in which the advocate communicates to his friend at Athens his own father's demise (Att. 1, 6, 2): Pater nobis decessit A. D. III Kal. Decembris. They overlook the affectionate ethical dat. *nobis*. Cicero is just as laconic later on in communicating his darling Tullia's betrothal, or the birth of his only son. It must be granted to Dr. Tyrrell that the item in Ascon. Tog. Cand. 82, "*atque in petitione patrem amisit* " is, where it stands, and, in this form, atrociously

[1] *Att. 1, 5, 7:* Epiroticam emptionem gaudeo tibi placere.
[2] Drumann 6, 388 "*östlich*": really southeast of Rome.

unrelated or out of place: and the suggestion of Mr. Harrison of St. Johns College, Cambridge, to read *omisit* seems to be felicitous in the highest degree.

## 67 B. C.

The consuls were C. Calpurnius Piso and M. Acilius Glabrio. In the East the brilliant fortune and the strategic energy of Lucullus met with a check. According to Sallust [1] it was the rigor of hard winterquarters removed from the ease of Greek towns which at last moved his troops to open insubordination. Before this crisis his legate Triarius had been defeated by Mithridates. The old troops of Fimbria took the lead, claiming that under the Gabinian law Bithynia and Pontus were given to one of the consuls of this year, and that the imperium of Lucullus was at an end. The fact is that Pompey began to feel that he was not where he should be. It is true the pirates were coming to be a pest in all seas and on all coasts. Three years had gone by, and the military fame of Pompey had not perhaps been burning with so steady and shining a light as hitherto. The life in the toga neither then nor later on added anything to the prestige of a public character, to whom it was almost as the breath of his nostrils to be reputed the only one.[2] Pompey simply disdained to match himself with the practical politicians of the day in Forum or Curia. He did not show any practical interest in the efforts which were then making for electoral reform and against the buying of votes at elections. Thus the consul Calpurnius offered a bill which bore his name, to sharpen the penalties for *ambitus* or corrupt practices, urging all patriotic citizens to attend the special election for the adoption of his bill. But Cicero [3] suggests that the consul acted not so much of his own free will, but from pressure put upon him by the fearless and earnest tribune Cornelius. The great number of electoral purchasing agents (*divisores*) actually mobbed the consul who proposed this law. The populace of Rome was much more concerned about the rising prices of bread.[4] The grain fleets were everywhere stopped by the pirates. Almost all the great shrines of the Hellenic world from Samothrace to Leucas [5] had been

[1] Historiae, C. 5. cited by Plut. Lucull. 33. Liv. 98. cf. Dio, 36, 16.
[2] Plut. Pomp. 23. [3] in his *Corneliana*, Asconius p. 75.
[4] Καὶ ἡ σιτοπομπία παντελῶς ἀπεκέκλειτο Dio 36, 22.
[5] Plut. Pomp. 24.

looted by the freebooters. Foreign trade and commerce in which much capital of the equestrian class of Rome was invested, was at a standstill. And whence were the publicani to collect the harbor dues in the provinces, while the pirates paralyzed the traffic of the Mediterranean?[1] Even the ubiquitous Clodius Pulcher had fallen into their hands when he left Nisibis and the troubles of his brother-in-law. We observe the constitutional reluctance of Rome to maintain a standing fleet. A tribune Aulus Gabinius proposed a sweeping measure of redress. He was a servitor of Pompey's, or at least he desired to become one. The vastness of the imperium[2] proposed was unheard of, and, for the senators as a class, ill-boding. They wanted no second Sulla. On the other hand nobody could afford to be against the Gabinian Law who wished to stand well with the electorate. Caesar, recently returned from his quaestorship in Spain, was for it; one could not be *popularis* and be against it. Now Cicero seems to have been quite sure of the result of his canvass, and quite unconcerned in looking forward to the election. He did not even desire that Atticus[3] should come over from Greece to assist his friend. In fact the orator at this time seemed more concerned with the securing of books, with the adornment of his villa by means of statuary or of busts of an intellectual significance. As to Quintus and his wife, he of course felt a certain responsibility for their domestic peace, at least. In this year, it seems, the only child of the couple was born.[4] — This was the age of a swift decadence in civic morality. The usage of electoral bribery on a huge scale was deeply ingrained. The election for magistrates for 66 B. C. was peculiar. For one thing it was held no less than three times. Clearly it was cut short each time before it was quite completed. But Cicero was returned, each time, at the head of all the praetorian candidates who were to fill eight places. The cause of the trouble was the Calpurnian law against corrupt practices (de Ambitu). Cornelius the tribune, as we saw, had been the real mover of it, a man of civic rectitude but, as Asconius[5] thinks, too prone to obstinacy. He

[1] Dio 36, 19. The Greek term καταποντισταί (the Drowners) is significant.

[2] Plut. Pomp. 25. νόμον οὐ ναυαρχίαν, ἀντικρὺς δὲ μοναρχίαν αὐτῷ διδόντα. Cicero was perfectly aware of the desperate state of the private affairs of Gabinius, but he had no motive at this time to antagonize him.

[3] Att. 1, 10, 6.

[4] Att. 1, 10, 5.

[5] p. 56. — Lange 3, 203.

had already interfered with the jobs of senators in their dealing with foreign envoys. Cornelius openly antagonized the senate as a body in his public addresses and strove to impair its power. The Calpurnian reform bill which *he* really forced upon the senate provided, that candidates who bribed were to forfeit both the offices thus gained as well as their seat in the senate.[1] The organized resistance to the adoption of this law was the cause for the repeated adjournments of the comitia. We now better understand what Cicero wrote to Atticus (1, 11, 3) about this time, "nobody is kept in such a stew at Rome at the present time as are the candidates, by every kind of unreasonable demands,"[2] probably at the hands of the "divisores." These professionals were deeply interested in the maintenance of the evil, for from it they derived their sustenance, either receiving a goodly percentage for their own pocket, or making contracts for the delivery of so or so many votes, or, if we follow Mommsen's[3] view, contracts for the delivery of a majority of centuries and tribes. It was through tribunes that Pompey accomplished his designs, and he certainly was the idol of the populace.

In this year, it seems, Cicero defended Oppius,[4] who, while serving as quaestor of M. Aurelius Cotta in Bithynia, had been dishonorably dismissed by the latter. It seems that Cicero here appeared as a champion of the equestrian class. The speech was published. Quintilian repeatedly cites it: 5, 13, 17; 5, 10, 69, 5, 13, 21; 6, 5, 10; 11, 1, 67.

## 66 B. C.

The consulate was held by M. Aemilius Lepidus, and L. Volcatius Tullus. In this year a future marriage was arranged for little Tullia, perhaps but nine years old as yet,[5] with C. Piso Frugi, a youth of aristocratic lineage. Such very early *Sponsalia* were not rare. Cicero, telling his friend in Greece about it, is just as laconic and matter of fact as when he reported his father's death, and still we know abundantly that he loved this child with an intensity not lessened by the passing of the years, that he loved her vastly more than his wife Terentia. Little Tullia resembled her father in countenance: in her very temperament and speech the fond father saw himself again.[6] In

[1] Dio 36, 38. — Mommsen Strafrecht p. 867. v. lexica s.v. δεκασμός and *divisores*.
[2] iniquitates, Att. 1, 11, 3. v. Tyrrell's note: *imposition* we say in the U. S.
[3] Strafr. p. 869.
[4] Suringar p. 593.
[5] Att. 1, 3, 3.
[6] Q. Fr. 1, 3, 3.

this year, on January 1st, Cicero was inaugurated as praetor; the lawyer and orator ascended the bench for one brief year. Nor did Roman usage exclude him from the pleader's profession during his year of office. Of his colleagues Orchivius had the court (quaestio) for theft (de peculatu), Plaetorius and C. Flaminius that for murder (inter sicarios), Aquilius for corrupt practices (de Ambitu), Cicero for extortion in the provinces.[1] And so the lot assigned to him the very sphere [2] of judicature, in which his talents as patronus had so conspicuously shone. He thus had to preside at the trial of a practical politician, whom we generally remember as a literary man, as one of the Roman historians of that primitive type known as annalists. It was L. Licinius Macer.[3] This man had been tribune in 73 B. C., a warm advocate, even then, of the restoration of the tribunician power. What province had really suffered from his misdeeds we do not learn. He was found guilty and is said to have throttled himself to death, even before the verdict was officially returned and recorded, in order to save his heirs from the confiscation of his estate. Cicero intimated to his bosom friend, that, as presiding justice, he could have given such a turn to the trial that the culprit might have been dealt with leniently, had Cicero chosen to do so. He does not seem to have weighed the matter in the light of abstract justice, but with an eye chiefly to expediency, as something that could help or hinder his further political preferment. Macer's condemnation was, in a word, more profitable [4] to the praetor Cicero in his concern for public favor, than would have been the personal good-will of the annalist had he been acquitted. Cicero, we see it clearly, was no Cato. Crassus, the great politician and financier, had supported Macer. And this motive of expediency too determined Cicero also in the great political question of that year, the bill of Manilius to name a successor to Lucullus in the Eastern campaigns. We may say with Velleius [5] that this new and voluntary servitor of the Only one was for sale always and was the "helpmate" of another

[1] mea de pecuniis repetundis, Cluent. 147.

[2] When Plut. Cic. 9. (w. Gudeman's notes) says κλοπῆς, one must not jump to the conclusion that Cicero had *de peculatu*. In matters of antiquarian precision Plutarch is not very reliable. —

[3] Att. 1, 4, 2. Plut. 9. Val. Max. 9, 12, 7. The fulness of detail in Plutarch points to Tiro.

[4] maiorem fructum ex populi existimatione, etc.

[5] 2, 33, 1. Dio 36, 42, Plut. Pomp. 30.

man's personal power. The Optimates were of course passionately opposed to this new grant *extra ordinem* (i. e. passing over the consuls), opposed to the steady and consistent creation of a military dynast. It was provided in the bill, that to the old dominion hitherto entrusted to Lucullus there should be added Bithynia (then under Acilius Glabrio); the sea power also was to be at his disposal. Pompey was not in Rome at all, but still busy on the southern coast of Asia Minor, dealing with the results of the Piratic war. Marcius Rex and Acilius were not permitted to hold to a conclusion their term in their provinces, a matter of the utmost financial importance to them, and in principle to all the members of the oligarchy who had provincial aspirations or necessities.

Dio Cassius at this point (36, 43) reveals his deep and consistent aversion for Cicero. He assigns motives in his usual incisive manner; but he goes further by charging Cicero with gross political inconsistency and carrying water on both shoulders: ἐπημφοτέριζε γάρ. Dio later takes Cicero as the champion of conservative policies, (utterly forgetting that Cicero had not yet attained to a consistent and clarified position at all in public life,) and thus as one who was faithless to his own political convictions. We must not play the later Cicero against the earlier one.

As a matter of fact, Cicero, with his political ambition firmly fixed on consular honors, desired all the support he could get. Either on account of ancestral tradition, or in problems of civic equity such as jury-reform, he had not ranged himself at all with the conservatives. One cannot fairly confront the Cicero of 66 B. C. with the Cicero of a few years later when circumstances readily made of him the eloquent defender of property and social order as well as the champion of the primacy of the senate at home as well as in the concerns of the empire. The attitude of the aristocracy toward the bill of Manilius we can readily understand. Their leaders, such as Catulus, Metellus, Creticus, Lucullus himself, were ruthlessly thrust aside. This was done for a distinct personal reason. It was done in favor of the man who from the first had outshone all the lieutenants of Sulla and constrained the dictator himself to do the will of the stripling. And Pompey, who had never cared to distinguish between fortune and merit, was determined not to acknowledge any peer in public life. And Cicero was eager for the support of the men "*who held the assemblies.*"[1] Here then for the first time, but with

[1] "Qui contiones tenent," Quint. de Petitione.

the employment of powers then in splendid maturity and matchless in that generation, the pleader stepped upon the platform of imperial politics. Also it was his first political speech addressed to the electorate directly, his first *contio*, also a *suasio*, a speech positively urging acceptance of a bill. Cicero's theory [1] of political oratory was that the speaker must know political affairs, and, in order to speak convincingly, he must know the prevailing character of the citizen-body at the time, and for the particular occasion. He deals with a large audience, with elemental emotions often. His style must be large and luminous; "and the greatest part of his discourse must be directed toward the emotions which sometimes must be stirred to fear, or the desire of possession, or glory; often kept from recklessness, anger, hope, wrong, envy, cruelty." And large indeed and luminous is the treatment employed in this address.

Nowhere do we meet with technical or abstruse things, or with any detail not lending itself to direct understanding and easy retention. With tactful strokes he deals with Lucullus. It was indeed a delicate subject, and publication would endow the oration with a lasting political importance. Pompey had disposed (10) of Sertorius: it was a tougher task: but nothing of course is said of the lucky assassination of Perperna. And in the East "the matter was so managed by Lucullus, a distinguished gentleman, that those initial campaigns, which were great and brilliant, must be attributed not to his good fortune, but to his personal excellence; these latter events which befell recently however must be ascribed not to his fault, but to fortune." The orator intimates that at some future time, i. e. in the senate, and when, we may assume, the question of triumph will be before that body, he (Cicero) will do justice to Lucullus in a much more adequate manner. Glabrio and Marcius have been sent out: so (13) the provincials dare not ask for the great captain; if they only dared! The large revenues of Asia are now interfered with. The investments of the Equestrian class are disturbed. But your revenues must come through the same publicani (16–17). How cleverly he put it before that audience: "For if we always have considered the revenues the sinews of Government, we will with entire propriety call that class which manages the same, the base of the other classes." The publi-

[1] As he set it forth some eleven years later, *de Orat.* 2, 337 sqq., viz. that the *contio* had a certain breadth and freedom denied to senatorial and forensic oratory.

cani were Cicero's largest clients. Easy money, or straining of credit on our Forum here, is intimately bound up with the provincial operations of our financial class. In surveying (28) the achievements of Lucullus, Cicero might well claim that none of the opponents of the Manilian bill had more fully appreciated the services of that commander than he had. The manner in which the orator leads up to the mutiny of the legions is adroit and characteristic of Cicero, for the soft way of putting everything is one which accomplishes the seemingly impossible, viz. to praise all and censure no one. "Our soldiers (24), in the remoteness of eastern Armenia, sought rather a speedy return from it, than a further advance." The defeat of Triarius in the preceding year (67 B.C.) is so gently touched upon, that the name of the luckless legate is not even mentioned. Cicero (25) is reminded of the custom of Roman annalists to pass over Roman disasters. Not less adroit is Cicero in giving a turn to the recall of Lucullus which could not but be most acceptable to the best traditions of Rome, and to the prevailing political ideas of the present senate as well: "(Lucullus) constrained by the orders of yourselves who have thought that a limit must be put upon the long duration of military command." And the command of Lucullus had lasted six years. The sketch of Pompey's career is brilliant and positive. Even the slave war (30) is cited without a single mention of Crassus. The interference of Pompey in Crete (35) is managed with great adroitness. But wisely all is centered on that which is most recent and most brilliantly impressive, viz. the war with the Pirates. The Arpinate appeals to civic pride, he emphasizes the abatement of a long-standing disgrace; everything is clear, large, impressive and splendidly put. The darker background of average provincial administration brings out in bright relief the nobler qualities of Pompey. In a certain way here the orator challenged the oligarchy not less than in the great case of Verres, four years before. Thus by indirection (37) the orator lashes the form of corruption so often practiced at the capital, viz. to divert funds appropriated from the treasury (for imperial purposes), to practice electoral bribery, or even to put such funds out at interest for private gain. The outrages of winterquarters, the ruthless treatment of provincials in governors' tours, the robbery of works of art, the looting (40) of temples, are cited. How fortunate (50) that Pompey is even now at a point in Asia where he can enter upon the campaign at once and without any

time-consuming preliminary movements. The opposition of Hortensius and Catulus is met thus: Did not the brilliant orator (53) oppose Gabinius, a year before, in the same manner and with the same political axiom, "that all power must not be bestowed upon one man"? Who can now regret that bestowal? The Gabinian Bill indeed and its brilliant outcome is a valiant weapon for Cicero (54). Once more, after a long period of misery, discomfiture and disgrace, the Roman peoples rule the Mediterranean. Who (in the senate) should be so churlish now as to refuse a legate-ship in the proposed Mithridatic war of Pompey to Gabinius to whose bill of the preceding year the commonwealth owes this blessed consummation? We see how closely Pompey's personal wishes were guarded by the Arpinate on this occasion. A goodly number of parallel cases (58) are brought forward. If the consuls refuse to lay the matter before the senate, then I will do so myself. As for the eminent and distinguished Lutatius Catulus, another adversary of the Manilian Bill: did not the single Scipio Aemilianus (60) bring to a conclusion the war with Carthage and that with Numantia? Marius too belonged to the class of the indispensable captains. The military career, the entire personality, of Pompey cannot be measured by ordinary standards or by the precedents of the past. Let the senatorial leaders and spokesmen (64) yield to the common weal and to the exigencies of the times. You may find other men, a few, no doubt, who with skill can lead armies against the kings of the East; but alas! where are those men, on whose integrity, abstinence and self-control you can firmly rely, no matter what the temptations of conquest, wealth or power! Pompey is truly the Great (Magnus) no less relatively, by contrast, than (67) by his own great qualities. In the peroration the orator calls the gods to witness that he favors this bill at no one's request, that he has no design of winning the influence or good-will of Pompey thereby. He trusts that as heretofore, so in the future his own industry will continue to win for him the favor of the Roman electorate. This speech by the bye is entirely free from one of the most characteristic traits of Cicero. It has not a single passage of sneering, of jest, of humorous exaggeration (44).

In the same year occurred the trial of *Cluentius Habitus* whom Cicero defended. The case came on in one of the courts established by Sulla, i. e. for Murder (whether by poniard or by poi-

son). This speech, among the extant ones of Cicero, is in many ways the most complicated. We have many reasons for believing that the adroit pleader even added to the complexity of the case itself: we may believe, that he so manipulated the interest, so focussed the concern and attention of the Jury, as to secure a verdict for his client. A moderate volume could be written on the case, and I therefore must do my best to present its main features concisely.

The defendant Aulus Cluentius Habitus, a citizen of Larinum (in Samnium, not far from the northwest boundary of Apulia), was the son of a wealthy Roman knight who died in 88 B. C. The son was thirty-seven years of age when the trial (in 66 B. C.) came on. Specifically he was charged with having caused the death of his step-father Oppianicus several years before. His own mother Sassia was at the bottom of the prosecution. Cicero seems to have published two distinct discourses as one, or two pleadings in one publication; little doubt but that he won. It was a case of infinite difficulty for the side of Cicero. It was that case in all his long and brilliant career at the Roman bar which experts and teachers like Quintilian (e. g. 4, 5, 11) were never tired of extolling for the wonderful adroitness of management and disposition there pursued.

The facts were as follows: Eight years before (in the year 74 B. C.), when the juries were still manned by senators exclusively, the following case had been tried. The same Cluentius, then 29 years of age, had charged his step-father Oppianicus with attempted poisoning, and the latter was found guilty. In fact if we adopt Cicero's summary of the previous and antecedent trials (the so-called praeiudicia of Scamander and Fabricius), he was overwhelmingly guilty. But the jury (all senators) were heavily bribed, and one of them, a certain Staienus, was the financial agent or go-between. The presiding *Iudex Quaestionis* was named Junius (103). The matter of the bribed jury was notorious. An active and pushing Tribune, Quinctus, made a political issue of it, and there was an investigation. While but a small number of these senators were actually found guilty, a goodly number of them was expelled from the Senate by the Censors Lentulus and Gellius four years after the notorious Iudicium Junianum, that of 70. It was widely assumed that the bribes had been furnished from that side which actually gained the verdict, i. e. by Cluentius. Cicero then in assuming the de-

fense in 66 B. C. had to deal not only with a widespread and all-pervading sentiment of ill-will and censure directed at his client, all-pervading in public opinion in 66 B. C., but he also had to dispel, if he could, the dark clouds which had gathered about the good name of Cluentius Habitus in consequence of the censorial nota of four years before. He therefore set out to delineate such a record of fraud, greed and crime, on the part of Oppianicus (then deceased), and of the monstrous and unnatural Sassia, that the speech turned out to be in effect much more an overwhelming indictment of this guilty pair than a defense of his client. No matter what the letter of the law, no matter what the crushing weight of the scandal of the bribed jury of 74 B. C. and of the sequel of investigation and of censorial action against members of the jury in 70 B. C., the souls of the jury of 66 B. C. were so wrought up with the harrowing recital of the misdeeds of Sassia and her last husband, wrought up to a point when they were psychologically unable to bring in a verdict favoring either the memory of the deceased Oppianicus or unimpressed by hatred of the surviving Sassia. If we briefly turn to the purely moral background of this case, we stand appalled. Let us follow the advocate briefly, and step as it were into the space reached by his voice.

"An innocent man ruined by a purchased verdict? Innocent? He [1] falsified the official records of Larinum. He fraudulently changed the provisions of a testament made by another. He caused a forged testament to be signed and sealed. He caused the murder of the youth in whose name the fictitious document was drawn. He, while the other relatives endeavored to free from misery and bondage a kinsman who had drifted into such calamity in the north of the peninsula, had him killed. In Sulla's time he had several of his townsmen of Larinum proscribed and put to death. He married the widow of one of these. He gave money for procuring an abortion because he desired that there be no further heir to a certain estate which he was coveting. He caused the death of a mother-in-law, of several of his successive wives, of his brother's wife, of his brother himself; finally he caused the death of several of his young sons, upon whom his last bride, the tigress Sassia, had looked with disfavor when Oppianicus proposed a matrimonial union. In the latter part of his career, so Cicero charged (125), he attempted the life of

[1] Cluent. 125.

Sassia's adult son (by her first husband) by poison. Did not then Oppianicus (in 74 B. C.) with such a record, and which then an able prosecutor Canutius vigorously set forth, did not Oppianicus in 74 have every motive for resorting to bribery of that Jury? At that time it was necessary to secure sixteen jurors, and the sum of 640,000 sesterces, which *Staienus* then took charge of, made exactly 40,000 sesterces for each of the sixteen. Quite possible that Staienus pocketed much of the money himself. But we must glance briefly at the life of Sassia also. She lost her first husband (11), the elder Cluentius, in 88 B. C., their son, the defendant in Cicero's present case, being fifteen at that time. Soon after this her daughter Cluentia married a cousin Melinus. But Sassia's passions singled out her own son-in-law and she seduced him. In time there was a divorce of the young couple, and then Sassia in her unique pursuit of happiness married her own son-in-law; the connubial couch of her daughter became her own. Of course the mother thus cut herself off from her son and daughter. Impressively are we reminded once more in what fashion the times of Sulla's proscriptions (24 sq.) served to whet and to shelter private greed by the outward assumption of political partisanship. Thus Oppianicus destroyed Melinus, and later Sassia contracted a marriage with the very man who had caused the death of the person who was at one and the same time her second husband and her own daughter's recent husband.

The speech has for us not the incisive importance which it had for Roman rhetorical schools later on. Quintilian cites it more than forty-five times. As noted before he greatly admired the general plan and economy in Cicero's procedure (6, 4, 9): "For which line of effort shall I most marvel in it? Shall it be the first exposition by which he deprived of credit the mother whose son was suffering from her initiative in the action? Or because he preferred the charge of jury-bribing to the opponent rather than deny it, on account (to use his own expression) of, 'the deep-rooted evil report'?" (4) Cicero later on boasted that in this case he had thrown dust into the eyes of the jury (cf. Quint. 2, 17, 21). Of course, not all professors of rhetoric and argumentation were as partial to Cicero as was Quintilian (4, 5, 11). Some critics claimed that if Cicero could have proven his third point (viz. that the jury of 74 B. C. was tempted with money *not in behalf of Cluentius but adversely to him*), then the preceding argumentation was unnecessary. But to return: there are a few points of self-revelation which we welcome in our present quest: "I always (51) begin to plead with great apprehension. As often as I plead, so often I seem to be put on trial not only of my native ability but also of my man-

hood and sense of duty, lest I may seem to profess that which I cannot realize (which is a characteristic of effrontery), or not to realize that which is within my capacity to realize (which is the mark either of perfidy or negligence)." He was then in his forty-first year. This initial nervousness seems to have pursued him throughout his professional life. Another point is that he is still under the thraldom of the two exemplars of his early youth, so familiar to my readers, viz. Antonius and Crassus. Their *auctoritas* (140) is still precious to him. "*Hard work coupled with scrupulous integrity*" [1] are still the two conditions and powers with whose aid he expects to go forward to the remaining honors of public life. As to contemporary politics, Cicero is not friendly to the processes by which Tribunes were wont to stir up the lower strata of the electorate on the Forum (by contiones). Thus, while he himself in the Verrines had held up to scorn and odium the (Sullanian) monopoly of Jury-service, as it prevailed from 81–70 B. C., so on the other hand he spoke with little patience of the Tribune Quinctius and his stirring up of the plebs against the very monopoly (110 sq.). Such activities always impressed him as rank demagogy chiefly. The opportunity of punning on Bulbus and Gutta (71) he does not allow to pass, of course: "Staienus sprinkled Drop on this Mushroom."

We cannot try the case over again, but we notice that the Verrines, through publication, within the short period of four years, were so familiar to that day and time, that they could be cited. They were so cited by Cicero's opponent, T. Accius [2] of Pisaurum (viz. Verr. Act 1, 38), to reprove Cicero for inconsistency. There the orator had written the following: A certain Q. Calidius had said after having been found guilty, that it would cost no less than three million sesterces to have a man of praetorian rank found guilty by the senatorial juries. A senator (Act. 1, 39) had been found who as juror had taken money (Staienus?) from both the defendant and the accuser. Cicero's manner in replying to this situation is characteristic. He (Clu. 139) positively refuses, within the sphere of his professional conduct or procedure, to be bound or constrained by any published utterance of the past. Such publications were not personal nor general, nor did they exhibit his enduring convictions or tenets. Cicero indeed in his speeches does not set out to lay down general principles. An advocate cannot maintain genuine consistency in dealing with the shifting and changeful cases which he undertakes. He is necessarily (Clu. 139) determined by the case in hand and by the circumstances attending it. On the political aspects of Pro Cluentio v. L. Lange, vol. 3,

[1] § 111: usque eo pervenit, quoad *cum industria* cum *innocentia* prosecuta est: two powers that *escort* him upward and onward.

[2] Why some scholars persist in writing *Attius* instead of *Accius* is not very clear. Such are e. g. *Strachan-Davidson* in his life of Cicero p. 65, and even A. C. Clark in the recent Oxford edition of Cluentius 156. But cf. Brut. 271.

222: viz. the reference to the Sullanian statute severely punishing attempted conspiracy or joint action on the part of jurors, then of Senatorial rank, Cicero held (152) that this statute could not fairly apply so as to bear upon equestrian jurors also. Cf. 145, 146, 150. H. Nettleship On the Pro Cluentio of Cicero (Essays in Latin Literature, pp. 67–83) brings out the equestrian ties and sympathies of the earlier Cicero. Cf. also Mommsen, Strafrecht, 635 sq. There is a valuable monograph by Director Dr. Niemeyer, Kiel, 1871: *Ueber den Prozess gegen A. Cluentius Habitus.* Niemeyer is as anti-Ciceronian as Quintilian is pro-Ciceronian. P. 24: "Es ist Cicero's Rhetorik die das leidenschaftliche Weib zu einem monstrum verzerrt hat." But her marriage to her son-in-law was not mere Rhetoric. Johannes Classen published the oration in 1831, spelling even then *Accius.* His general valuation differs from that of Niemeyer: he calls the speech, "verissima vitae et morum imago." No one can do justice to Cicero who does not emancipate himself from Mommsen's one-sided invective. Before leaving the subject of juries and corrupting juries we should not forget to cite *Caecina* (28), where Cicero pours out all his satire and a flood of taunts against such a typical corruptionist of juries, Fidiculanius Falcula. Everyone knew what his purse had been in the Albianum iudicium.

On December 10th, 66 B. C. the Tribunate of Manilius came to an end. At once he was indicted. By whom? Of course by the Optimates (46). These, impotent to injure Pompey directly, strove to deal a blow at the servitor of Pompey. Cicero is said to have caused a postponement of the trial. Cicero's praetorship had but a few days more to run. The Plebeians became very angry against Cicero. He however in a *contio* on the Forum defended himself, attacked the Optimates and promised to take the defense of Manilius. Dio does his best here to represent Cicero as unscrupulous and faithless in the premises. It is hard to see for what provincial extortion Manilius should now have been indicted. He may however have been a quaestor before he became Tribune, and some attempt could perhaps even then be made to call his accounts in question. It would have been a glorious satisfaction for the oligarchy to have the author of the Manilian Bill tried in the very court presided over by the eloquent champion of that bill. (Cf. Plut. Cic. 9.) Whether a mob on December 31st broke up the preliminary hearing or not, is not now an important question. We shall at once see why the matter was without any sequel.

[1] *πρὸς τῶν δυνατῶν* Dio 36, 44.

## 65 B. C.

The Manilian prosecution was overshadowed by a greater and more urgent matter. It was the conspiracy of the two men originally chosen as chief magistrates for 65, P. Autronius Paetus and P. Cornelius Sulla,[1] a relative of the dictator. Close to them was L. Sergius Catilina, the executioner and torturer (after Sulla's capture of supreme power) of Marius Gratidianus. Of the scandalous connection of his name with that of the Vestal Fabia (Terentia's half sister) in 73 we have heard. Fabia's good name however had in the end escaped unscathed. How intensely Terentia was interested in her sister's danger, we may readily surmise. The family thus had reason to reprobate the name and fame of Catiline. His mere propinquity cast a shadow upon those whom he approached. His profoundly immoral character made every charge plausible.

Competitors of Autronius and Sulla, viz. L. Aurelius Cotta and L. Manlius Torquatus, had successfully prosecuted these consuls-elect for corrupt practices and so were inaugurated instead. This was a time when huge corruption funds were the chief commendation of many candidates. The deposed consuls then were in a desperate situation, for their prospect of recouping themselves by and by out of their proconsular provinces was destroyed. Catiline was at first the soul [2] of the plot to destroy the consuls and seize the government. As in all conspiracies which never reach consummation, so it was in this case. Suggestion and suspicion and innuendo had a wide field. Both Caesar and Crassus were named as participants or expected beneficiaries of the proposed coup d'état. The enemies of Caesar some six years later (Suet. Caes. 9), such as M. Bibulus, said, that the ulterior plans had been that Crassus was to have become dictator and Caesar master of the horse. Under a dictatorship the allotment of desirable provinces would probably have been achieved more swiftly and more in accordance with

[1] cf. *C. John* in Rh. Mus. vol. 31, 401–431, especially on p. 426. L. Lange 3, 223 sqq. Liv. 101. Cic. Tog. Cand. p. 83 made Crassus personally responsible for the plot. cf. *Petit Cons.* 10; the characterization of Autronius in *Pro Sulla*, 71.

[2] Sall. Cat. 18. Dio is so deeply absorbed by the recital of Pompey's Eastern exploits as to neglect city affairs here. *John*, Rh. Mus. 1871, "Sallustius ueber Catilina's Candidatur in Jahr 688 (66 B. C.) summarizes on p. 431: "dass sich Sallust nur sehr oberflächlich über jene Episode der Vorgeschichte Catilinas unterrichtet und sich nicht um die Zeitfolge der Ereignisse bekümmert hat." —

the personal need of the accomplices. Catiline himself was an aspirant for consular honors. Now he had been governor of Africa and his extortions had pursued him to the capital. He was indicted (Repetundarum). If earlier, the case might have been tried before Cicero himself. The case went over however to 65. Was Catiline's share in the plot due to his desire to have his own trial adjourned indefinitely or never brought into court? It is easier to raise such and similar questions than to answer them. The ostensible prosecutor of Catiline was none other than the ubiquitous P. Clodius Pulcher. What were his motives? Probably money from the defendant; the upshot of a make-believe prosecution (*praevaricatio*). Was it disgraceful in itself at that time for Cicero to defend Catiline? Did he defend Catiline? Neither the best in Cicero nor the worst in Catiline had as yet been evolved. The consular title and office, a high honor for the hard-working son of the modest gentleman from Arpinum, was now looming up, a large and splendid prize for his ambition. The greater part of all his activities was now dominated by these reflexions and anticipations. It was his impending canvass on which, for him and his plans of work, everything centered. To his lively mind (Att. 1, 1,) and to his practical sense even the consuls for 64 B. C. were an element of computation in his canvass. Some had even then announced their candidacy for 63 B. C., two years in advance. Cicero is pleased, e. g. with Galba's early presentation; for the voters were thus drawn out in a way to come out for Cicero by way of explaining their refusal to support Galba. The orator most naturally is greatly interested in the intentions of the aristocracy. —

The Manilian episode was pretty recent, but he has not yet attained clear insight in this important field.[1] After all he is not one of them, and of course he would like to gain their support. Catiline is mentioned (for 64), but to Cicero's political vision then such a candidacy seems as preposterous (Att. 1, 1, 1) as to declare that there is no daylight at noon; his innocence (of the African charges) still to be proven, a matter of the coming trial, the verdict of the jury not given, nay, the case had not yet been formally opened when Cicero wrote to Atticus. A little later[2] Cicero actually was entertaining the idea of undertaking the defense. An agreement as to jurors is made, i. e. Clodius

[1] Att. 1, 1, 2: cum perspexero voluntates nobilium, scribam ad te.

[2] Att. 1, 2, 1.

has come to an understanding with the defense. This shows us Cicero in a somewhat unpleasant light: "We (the defense, or Catiline and I) have the jurors which we desired, with the cordial approval of the prosecutor." And still, nine years later, Cicero in a published speech [1] charged Clodius as follows: "From Catiline he received money in order to carry through a fictitious pleading in the most shameful manner." If Cicero had actually become a party to such or similar preliminaries, he would hardly have dared to publish the last quoted passage. But in the spring and the early summer 65 B. C. Cicero was so engrossed with the prospects and the planning of his canvass, that much of his professional labor was made subservient to these plans: "if Catiline be acquitted, Cicero hopes he will be more closely attached to me in the arrangement of my canvass (in ratione petitionis): if he be condemned, I will bear it in a philosophical manner." Fenestella, a Roman scholar (fl. about 14 A. D.) claimed that Cicero actually defended Catiline, whereas Asconius [2] refuses to believe it. We shall return to this matter when we take up the actual canvass of 64 B. C. Whether Cicero did or did not undertake the defense, he certainly was willing at one time to do so for the sake of his impending canvass. Even to his bosom friend Atticus (then still beyond the Ionian Sea) he refused his professional aid in a matter of current business at the capital. The Arpinate in fact refused to serve the uncle of Atticus (Caecilius, a gruff and penurious old man, warmly attached to his nephew) in prosecuting a scoundrelly debtor of that uncle and in recovering funds passed on by his debtor to a certain Satyrus. Why did Cicero refuse to serve in this matter? Why? Because Satyrus had in the past proven his worth as an electioneering agent, and now the greatest canvass of all (Att. 1, 1, 4) was impending.

In this year 65 B. C. Cicero's only son Marcus was born. The orator (Att. 1, 2, 1) is just as laconic here as in the other family events previously noted. But his mind then was engrossed with other things.

[1] *Haruspicum Responsum* 42: ut turpissime praevaricaretur.

[2] Tog. Cand. p. 85 Or — . Drumann 5, p. 410 sq. finds this a choice morsel in his indictment of Cicero. Drumann always lived in a scholar's closet. Not all the arrangements of give and take in political life are *per se* dishonorable when made between individuals no more than when they are made between states and communities. On p. 402 Dr. calls Cicero "der Miethling des Pompeius und des Pöbels." Drum. slightly out-Dios Dio himself.

We must now take up the great state trial of Cornelius.[1] It was carried over from the preceding year. In that year the Tribune C. Cornelius had assumed a position of very strong antagonism against the senatorial oligarchy, as has been partly noted before. He had laid his hand on certain abuses which were hallowed by long practice and were moreover very profitable to the senators, as the loaning of vast sums of money to envoys of foreign states at enormous rates of interest. These funds were often required by foreign delegates to bribe important members or groups of members of the senate. As this first project of reform failed through the opposition of the Optimates, he attacked another privilege of senatorial tradition, viz: that dispensation from the laws should not be longer granted by the senate, but by the people only (as an old statute provided), and so not by an action within the curia, often passed in the most perfunctory way, in the presence of or by the votes of a mere handful of senators. (Ascon. p. 57.) So the privileged class secured the services of a Tribune, P. Servilius Globulus, who, when the bill of Cornelius was to be read by the herald on the Forum, interceded. Thereupon Cornelius took the MSS. and read out the text of the bill himself. The people cordially supported the Tribune and physical violence was almost inflicted upon the consul Piso, who endeavored to interfere against Cornelius. Then Cornelius modified his bill on Senatorial Dispensation, fixing the senate's requisite vote at a quorum of 200 members, but with a compulsory submission afterwards to the people. Further Cornelius sought to bind the Praetors to adhere more consistently to their own *Edicta* in their judicial procedure. All this had been in 67 B. C. In 66 Cornelius was indicted for High Treason (maiestas) or for the violation of the constitution, by two brothers Cominius, but [2] organized bands induced them to abandon the prosecution. In 65 B. C. at last the Optimates renewed the prosecution and placed the recalcitrant Tribune on trial for maiestas. Cominius, one of the former accusers, reappeared in that function to clear himself from the suspicion of

[1] On this bearer of that name, v. Wissowa s. v. *Cornelius* No. 18. On the charge of *Maiestas* cf. *Mommsen, Strafrecht* 537 sqq., with definitions on p. 539, n. 1. and especially 556 n. 4. *Stsr.* I. p. 287 sq. On the *Corneliana* beside the matter presented by *Asconius* cf. *Quintil.* 4, 4, 8; 5, 13, 18; 6, 5, 10. in *Vatin. test, 5. Schol. Bob.* p. 315. Fragments in text by C. F. W. Müller, IV 3, 238–259.

[2] Ascon. 6, 59, v. Müller's ed. p. 240, Ascon. p. 60.

having accepted a bribe in the previous year. The leaders of the senatorial oligarchy appeared on the witness stand to attack Cornelius. Now Cicero, it seems, while denying for his client any infringement of tribunician tradition or assumption of irregular powers, dealt at the same time cautiously and courteously with the distinguished gentlemen who had thrown their great prestige into the scales of justice. Almost everything united to make this too a cause celèbre.

It does seem from some words of Asconius that Catiline's African administration was tried about the same time, in its proper court. (eodem illo tempore erat reus repetundarum, Ascon. p. 66.) We know how thoroughly and with what study, care and concentration, Cicero took up and conducted his cases. This nearness of time to the *causa Corneliana* makes still more improbable the assumption that Cicero actually defended the governor of Africa.

The prosecutor Cominius published his oration, while Cicero did the same, in two scrolls. Cicero's plea (55) consumed four entire days. He admitted at once the fact of the direct and independent reading of the bill. The critical reserve of Cicero in dealing with the Tribunate, with Tribunes and their activities, is impressive. And it does seem that the shrewd pleader assumed a conciliatory attitude towards the senatorial aristocracy, somewhat in this wise: A Tribune has proposed various reforms and changes in the law and procedure; my client had done that. But have not the most eminent members of your honorable class done the same thing over and over again? The history of Rome furnishes a wealth of examples and precedents, even of those statesmen and legislators who revised or cancelled their own previous bills or enactments. *Maiestas* also (fragm. 26 Müller) was defined and discussed, usages and precedents of tribunician legislation were set forth. Often, Cicero urged, it was expedient and fair, not to insist on absolute or technical justice or on the rigorous and literal execution thereof, even where verdicts had had the letter of the law on their side. On the other hand he pointed out that the legislative proposals of the defendant had positive merits, Of course he brought into his discourse the most popular of all topics and arguments, the great services and the eminence of Pompey, making a sudden digression (Quint. 4, 3, 13) as though carried away by some overwhelming and irresistible impulse. Crassus himself was on that jury. The origin

and general history of the Tribunate were brought in. Cicero won this great case. This result, says Quintilian (6, 5, 10), was due in no small measure to the very candor and frankness with which the fact of the independent reading of the Bill was admitted.

"Not only with fearless (Quint. 4, 3, 3), but also with dazzling arms did Cicero do battle in the case of Cornelius. By merely conveying information to the jurors, and by discoursing in a practical way and in good Latin and with clearness, he would never have achieved, that the Roman people confessed their admiration not by cheers merely but also by clapping of hands. It was the quality of loftiness and grandeur and smooth perfection (nitor) and weighty importance, which provoked those thunders of applause. Nor would praise so uncommon have attended the discourse if the speech had been an ordinary one and like the rest. And I believe that those who were present neither realized what they were doing nor applauded of their own volition or by judgment, but, as though possessed or not knowing where they were, burst out in this emotion of delight."

Pompey, we saw, was alluded to as one of the two restorers of the Tribunes' power. But to the Arpinate, in his plans of canvassing, the prestige of that greatest of names then was a resource indeed, but also, whenever Cicero thought of the prevailing spirit of the aristocracy, somewhat of a handicap.

"You, my dear Atticus," he wrote in that year (1, 1, 2), "are nearer to Pompey than I am. Say (to his partisans in the East or in Greece) that I shall not be put out if he does not come to my election." Is this conceit? Or is it merely a reminder of the substantial aid which Cicero had furnished to Pompey's interests towards bestowing upon him the Eastern war "out of order." As for Atticus himself, however, Cicero insisted that he must be in Rome during all the important period. "I need your speedy arrival [1] (1, 2, 2), for it is the positive and prevailing opinion, that your good friends, the men of the aristocracy, will be opposed to my gaining that office. For gaining their approbation I see that you will be the greatest advantage to me. Therefore see to it, that you be in Rome in the month of January (64 B. C.) as you have determined to be." Probably Atticus

[1] Written in July 65, cf. *Nep. Att. 6:* In re publica ita est versatus ut semper optimarum partium et esset et existimaretur. — Otherwise Nepos is not reliable in detail. One gets the impression from Nep. Att. 4, 3, that Atticus left Athens for good in 65 B. C., which every reader of the correspondence knows was not the case.

came over in 65 before the inclement season set in. The friends were to be now more closely united, the diplomatic and worldly wise Atticus to aid his brilliant but infinitely impulsive and emotional friend in the great tasks then lying ahead. These tasks proved greater than either probably surmised.

## CHAPTER ELEVEN

*THE CONSULAR CANVASS AND THE ELECTION*

**64 B. C.**

In this year Pompey turned from the foothills of the Caucasus to Syria. We note that he was in no wise depending upon the Senate for the detail of his movements and for the larger design of his conquests. His desire [1] was to add Syria to the Empire, and then traversing Arabia to arrive at the shores of the Indian Ocean. There, as the venerable antiquity of Greek legends had it, he would come upon the very end and fringe of the human world, where Okeanos with current eternal encircled it. He had looked upon Okeanos, as he thought, from the coast of Mauretania; he had almost penetrated to the Caspian. The spirit of Alexander seemed to hover above him, leading him ever onward. Through his legate Afranius he subdued the Arabians along the Amanus range which separates Cilicia from Syria. The fierce archer tribes of the Ituraeans in Lebanon then for the first time felt the power of Rome. As to Armenia and Parthia, Pompey sent arbitrators who should mediate between them.

At this time Cicero in the capital with might and main was pursuing his canvass. The whole matter, as the principals looked out upon it and as it really was, is presented to us in a curious political and personal memorandum and monograph prepared by his brother Quintus. I am inclined to believe that Atticus then in Rome, and earnestly assisting in this very matter, perhaps had something to do with it. Some part of this Commentariolum or Epistola de Petitione Consulatus very greatly discredited some of Cicero's competitors. But the references to Pompey are such that a publication at that particular time is quite unthinkable. At first blush we feel it to be a little odd that the only brother, who was some years younger than Marcus, should address or dedicate to him such a composition concerned with the conduct of Marcus's own campaign. But is it not entirely within the

[1] Plut. Pomp. 38, after Theophanes?

bounds of probability that the pleader and advocate, particularly, ever since the great case of Verres had been so deeply immersed in the engrossing labors of his profession, that such a memorandum was of great utility to him at that time? You possess, says the younger Cicero (1), fairly everything which one may achieve by native endowment, by experience and by reflexion; you really know this matter of the consular canvass, and still as your impending candidacy has been engrossing my thoughts night and day, I find there is a vast total of matters and items which I desire to collect in a simple survey for your benefit. You are indeed a new man. But (2) your oratory has given you great distinction, and one who has had ex-consuls for clients, cannot be deemed unworthy of consular honors. Therefore each case that you plead now must exhibit you to the Roman world as surpassing yourself. Your professional career has provided you with valuable connections and attachments: All the *publicani*, the equestrian class almost entire, many municipia, a number of guilds (collegia). There is really nothing in the entire tradition of Roman antiquity which permits so close a vision to the student. Cicero indeed was no aristocrat, but (§ 7) his aristocratic rivals were so impressively inferior to him, that his personal merits shone the more by contrast. The two whose candidacy had to be taken more seriously were Catiline and Antonius. But they were men whose youth and earlier manhood had been one continuous defiance of morality and decency. They had been slaves of lust, not shrinking from assassination, and now were reduced to destitution. Catiline particularly had led a life in which lust and crime had been curiously intermingled. The Sergii were of the most ancient aristocracy, but so reduced were they in Catiline's early youth, that his sister was the paid mistress of men of wealth. All the living Ciceros and their kin could never forget how, early in Sulla's proscriptions, young Catiline had been that autocrat's most conspicuous executioner and torturer. Marcus of course knew all this. But Quintus brought it all impressively together, in a single survey, to rouse the lively emotions of the elder brother and to fill him with moral courage and confidence. To this should be added the record of Catiline's government in the province of Africa (2); Cicero could refresh his memory by reading it over (saepius, 10). Catiline's seduction of young boys was notorious. His acquittal in the provincial case cost him all the fortune he had possessed himself of.

He was liable at any time to be indicted once more. Now Cicero's newness was something that was bound to stir up envy and malice (13), particularly among the aristocrats who had already attained consular honors, but also among men of his own class whose public career had been terminated with praetorian grade; then the men who had lost the verdict in Cicero's cases, men whose interests were in opposition to Cicero's side.

A roster of friends must be made (16), friends indeed taken in the widest sense of the term; the very slaves must be made to cooperate by spreading the more favorable rumors. Those men who have had your support in elections, must now make returns. Then the associations and clubs (sodalitates), to which successful clients of yourself belong, must be brought into action. Each client (20) must be assigned to some specific task. The circle of personal acquaintance (28) must be vastly extended. There must be some list or plan, in which Rome (30), the guilds, the country-districts, may be checked off. The leading men in these latter must be won, and so, through them, the spheres in which they are influential. The knights can be canvassed very effectively (33); they are not numerous: the young aristocrats who are in that class can be easily attached. Here, Quintus urged, the literary eminence of his brother was a matter of importance: *his published speeches, his leadership in the higher education of the foremost youth of Rome and Italy, had endowed him with a positive distinction and gained him warm admirers among the younger aspirants for his own profession.*

The actual candidacy of a consular aspirant was marked by a number of peculiar features which here must briefly be set forth. There were specific forms of a certain publicity. First there must be huge masses of callers (35) who paid their respects in the morning. These must be treated with great attention and warm recognition, not perfunctorily, for many of them of course would call upon the other candidates also. The other class were the men who attended the candidate when in the morning he descended from his residence to the forum (the *deductores*). A wise plan was to facilitate this attention by maintaining very precise hours for the daily movements. Finally there were the vast multitudes which formed a standing retinue of the candidate whenever he moved about on the Forum (37) in the course of his working day. Particularly should Cicero demand directly that those should be in his company who had been defended

and preserved by him, some of whom without any expense of their own [1] had saved their fortune and capital, others their good name, others their civil existences and all their fortunes. Then there were necessary ways and means (41 sqq.) for influencing the wider public at large.

Cicero, Quintus urged, had not the natural aptitude for suing for the favor of the lower class. As for flattery, while it was base elsewhere, it was indispensable as an element of canvassing. The candidate must have a reputation at least for openhandedness and liberality. His doors must be wide open by day and by night. The art of declining, denying or refusing in an obliging manner, the art so foreign to Cicero's temperament, must be earnestly cultivated (45–46). Cicero was indeed a "homo Platonicus," i. e. one who sought to have action square with profession; it was difficult for Marcus to conform to the axiom cited by Quintus, viz. that men preferred a courteous untruth to an honest denial. The question was how to gain the many, where pleasant prospects and promises (Quintus argued) for the future were just as efficacious as actual services rendered in the past (49).

Now Marcus had gained (52) the interest of those who "hold the popular assemblies" [2] through his commendation of Pompey for the Eastern campaign, for his undertaking the cause of Manilius,[3] for his superb defense of the tribune Cornelius. It must be understood that Cicero's canvass was held to be in complete harmony with the policy and the aims of Pompey. Now as to the deeply-rooted custom (55) of giving money to the voters (*largitio*). Here Marcus had a certain advantage; his splendid forensic power was a very real warning and a caution to his fellow-candidates. They might indeed purchase eighteen tribes, but the law of Ambitus had teeth: the discomfiture of Autronius and Paetus was of very recent occurrence. Further, says Quin-

[1] On the *Lex Cincia* v. the manuals. Ne quis ob causam orandam pecuniam donumve accipiat, Tacit. Annal. 11, 5. Lex Cincia de donis et muneribus, *Cic. de Or. 2, 286,* also called *Lex muneralis.* It seems the gratitude of clients often resorted to *legacies;* no doubt often bequeathed by fathers of the clients. In 44, when Cicero's active career had really terminated early in 51 B. C., seven years before, he reported a total of bequests amounting to 20 mill. sesterces, $880,000, (2 Phil. 40).

[2] qui contiones tenent, i.e. who there maintain attention and courteous demeanor towards given speakers or political proposals.

[3] which never was tried.

tus (56), there were no elections so deeply stained with bribery but that some centuries without pay returned men who were very closely related to them. In the present case, Quintus hoped that the usual agents of electoral bribery (divisores) could be kept within bounds, in fact that there might not be any expenditure of money at all (57), or that it would be without any practical results. This perhaps was somewhat sanguine on the part of brother Quintus.

It was clear, some time before the election, that four of Cicero's competitors were negligible quantities,[1] viz. P. Sulpicius Galba, Q. Cornificius, C. Licinius Sacerdos, L. Cassius Longinus. The last named, later on, joined the Catilinarian conspiracy. The other three had certain other negative virtues; they were decent and respectable but without positive force or merit. But the two whose unworthiness was most notorious to every one, were also the most dangerous rivals of the advocate and author. These were C. Antonius and Catiline. They had come to an agreement to combine and unify their forces for mutual support. The Romans called this, "to make a *coitio*" (going together), their joint aim being to prevent the success of Cicero. At this point the succession of the public events took such a trend as to favor the Arpinate advocate in a curious and noteworthy manner. The preparations to purchase the consular election were carried on by Catiline and Antonius with systematic and thorough method. The senate therefore adopted a resolution that a new statute against corrupt practices should be proposed to the electorate, a statute more stringent than the Calpurnian; a law which was to go much further than depriving the candidate of his purchased office. The proposed reform was however promptly checked by a Tribune, Q. Mucius Orestinus, probably a creature of Caesar's, or of Crassus's and Caesar's combined, at this particular juncture. The senate, at least the conservative majority, were stirred to anger at this manifestation of the political game. Cicero, then, promptly and we may say on the spur of the moment arose and attacked Catiline then and there.[2] There were but a few days before the election. This speech is known as Cicero's speech as consular candidate, *in Toga Candida*. In the preceding night a political conference [3] had been held by Catiline and Antonius, together with their agents for electoral corruption.[4]

[1] Ascon. 82–83.
[2] L. Lange 3, 232.
[3] Ascon. 83.
[4] cum sequestribus suis.

This meeting took place at the house of a man who was notorious for this professional and profitable pursuit of organizing electoral corruption. It was either Caesar or Crassus, Asconius thinks. Both of these politicians were willing and eager to accelerate the decline and disintegration of the actual government, or to build up (while Pompey in the East was doing the same for himself by his campaigns) a personal power by placing creatures of their own in the consular chairs. Also they were unwilling that Cicero should advance any further in public life. The orator in that session of the Great Council, passing beyond the intercession of Orestinus, attacked his two chief competitors without fear or any diplomatic reserve. It was now too late for that. The bloodstained record of Catiline, the provincial extortions of Antonius and his expulsion from the senate (in 70 B. C.), were presented to the house with a force and fervor, which came from Cicero with particular vim, for he was not then an advocate of others but was himself battling for the great prize. Time and place indeed could not have been more propitious for his ambition. He reviewed the trial which Catiline had undergone for extortion in Africa, and spoke of that acquittal with the utmost scorn, and that repeatedly. Let Antonius and Catiline prevent the adoption of a new and more stringent statute dealing with the electoral bribery: he was satisfied with the Calpurnian law which had been effective enough to unhorse Autronius and Sulla. In the sphere of sexual depravity Cicero made charges against Catiline which he published too; charges which [1] transcend all bounds of credibility, which however in that era of decadence found perhaps but callous ears. Much of the verse of Catullus is a mirror of the same generation. Catiline and Antonius were both present and compelled to listen to the Arpinate's invective. Their rejoinder [2] was mere abuse and chiefly directed at the newness of the speaker.

A special student of Sallust, Wirz, suggests that Cicero published the speech at once to influence the electors. It seems most likely. And we may at this point anticipate a little, and urge against the distinguished critic Constantin John that Cicero, later on, in 63 had very strong reasons indeed to publish his *Catilinarians* promptly and not to delay overmuch, in setting himself right with public opinion, or, better,

[1] Asconius 93.

[2] Asconius relates that later, in the rhetorical schools, rejoinders to Cicero's Invective were assigned to pupils for exercise.

in his tremendous struggle to give a sound and wholesome direction to public opinion.

The election soon followed. The aristocracy certainly had not forgotten the support which Cicero two years before had given to the ambitions of Pompey. Besides this Cicero both socially and professionally was fairly identified with the Equestrian class. As a pleader he certainly had dealt neither diplomatically nor gently with the pride and prejudices of the aristocracy of birth. His sense of his own merits, of his own industry and of his own integrity of life, had been strong and had also been exhibited with constant iteration. His clever and keen tongue too, even during his canvass,[1] was not always in firm control, and was apt to make for him more enemies than friends. In normal times and in a thoroughly settled condition of public affairs Cicero probably would not have been chosen. But these were neither normal nor settled times. At this election then in the summer of 64 Cicero carried all the thirty-five tribes. The combination of the two desperate candidates thus failed in its main object. Of the two worthies, Antonius forged slightly ahead of Sergius Catiline, defeating him by a handful of centuries.[2] He had been aided somewhat by the distinguished name of his father, the famous orator. But Crassus and Caesar too had been defeated. Cicero was perfectly aware of that, but this matter he kept locked in his own breast, until, in 59, he entrusted some of these things to his private monograph, *De Consiliis suis.* And these things were cryptic too, and in time even appeared apocryphal. But there were other men and other plans, operating beneath the surface, no less than Caesar and Crassus.

We have here arrived on the threshold of the Catilinarian episode. The historian of that episode, G. Sallustius Crispus of Amiternum, was then 22 years old, but as far as possible, at that time, from any serious or worthy concern, — one of the jeunesse dorée, and swimming with the stream; not of the serious and thoughtful type, even as a young man, of Asinius Pollio. He wrote after Caesar's death, when something akin to disgust with vice and folly and luxury seems to have taken possession of his soul. After figuring much in the category of Thucydides and Tacitus, his general worth, and particularly his qualities of care and precision, have been widely called in question. The most eminent of these newer critics

[1] cf. the anecdote in Plut. c. 27, most probably from Tiro's collection.

[2] pauculis centuriis, Ascon. 95.

is Constantin John. He published in the *Jahrbücher für Philogie*, VIII Supplementband, pp. 701–819, a searching disquisition, entitled: *Die Entstehungsgeschichte der Catilinarischen Verschwörung, Ein Beitrag zur Kritik des Sallustius*. It seems indeed true that Sallust was culpably negligent in matters of chronology; but on the whole the defect of John's studies (for there are some defects) lies in this, that he has worked his mind into an almost passionate aversion for Cicero himself, whom he belittles, discredits and questions almost continually. After setting aside Sallust and Cicero, we would indeed be thrown back upon subjective and ex parte computations, determined by what? John is unable to do justice to Cicero even in a moderate degree. We deny, e. g. that Cicero was a regular member of the party of the *populares* at any time in the past. A dispassionate study of Quintus's memorandum will show anyone who can maintain a fair degree of critical calmness, that Marcus Cicero had not at that time very strongly identified himself with *any* party or faction. His general drift was a little more for pacification and composition, to bring about a good working understanding between the Senatorial and the Equestrian class. John himself proposes assumption after assumption, for historiography cannot proceed by way of pure negation alone. The idea of "conspiring" itself is it not after all a political and social term which may be taken more strictly or more loosely? Men may agree to work together, and they may make their understanding by an oath or other solemn pledge. What troubles them all they know well; what they flee from, on that they are fairly well agreed: but just what practical measures to unite on, here probably, in that conspiracy too, there was at first perhaps no very positive harmony or clearness of purpose. John concludes by rating Catiline no higher than that type of public men which was represented by Milo, Clodius and Dolabella. That may be so. It must be said for John that he is not satisfied with the presentation of Drumann, Lange, or even Mommsen, although in the depreciation of Cicero he outmommsens Mommsen, if such a thing is indeed possible. He claims that the orator, when it was all over, and after the events (p. 813), indulged in "hyperbole" and hallucination. We must come to see that, for Cicero, at least, the whole crisis in time came to involve infinitely more than oratory or the declamation of vanity, but involved him quite positively in the very question of to be or not to be.

There are other writers, devoted more to the study of social movements, as the Erlangen (now at Munich) antiquarian, Dr. Robert Poehlmann, "Geschichte des antiken Kommunismus u. Sozialismus": In that work, II, p. 479, he calls the Catiline of Sallust, "ein tendenziöses Partei pamphlet," written to rehabilitate Caesar himself. It has become almost obligatory to take that view. But I conceive the inner mutations, through which Sallust had passed, more deeply. I believe that in his last, his literary period, many things were as apples of Sodom to his vision and valuation, which he had passionately admired before.

He would not of course invite a collision with Octavianus Caesar. He had risen above the atmosphere of factionalism and partisan bitterness when he decided upon authorship.

A very notable paper further is that by the industrious specialist in this field, Eduard Schwartz, in Hermes, 1897, pp. 554–608, a lively and clever disquisition, enumerating Cicero himself, Sallust (whom he too over-elaborates as merely a Caesarean partisan), Livy (Orosius, Eutropius, Florus), Plutarch, Appian, fragments of Diodorus. The construction and reconstruction of Schwartz is always interesting, but the loose and scattered data often remind one of little pieces of mosaic which permit more than one pattern. Where many points are made, some of them are apt to be so fine that they break when vigorously seized.

Whatever we may think of Sallust's negligence of chronological precision, one thing is clear. Cicero was apprehensive of Catiline. And after the orator was chosen, it was quite clear to his mind, that Catiline, whatever he was or signified, whether conceived as a tool of the unnamed politicians Caesar and Pompey, or whether taken simply by himself, was among the assets of the opposition, was a dangerous personage and one who would bear watching. Catiline's general career had not been in a dark corner: the election itself which gave to the Arpinate the fruition of an intense ambition, was to some extent decided by that one factor, Catiline. And such votes as were actually cast for Catiline were cast under the general manipulation of Caesar and Crassus. On the Campus Martius the word of a concentrated movement may have gone out, without taking the successful candidate into the confidence of the inner circle of the nobility of Rome. All the Metelli, the Marcelli, Domitii, Catuli, Hortensius himself — all these may have actually refrained from telling something to Cicero which his passionate and impulsive manner and temperament might somehow have misused. His triumph on the Campus, no matter how determined in the end, did add immeasurably to Cicero's pride and to the trust which he placed in his own powers. His earnest, and, in his profession, incessantly repeated scrutiny of the past had made him familiar with Roman annals and with the more eminent magistrates of the commonwealth, particularly with those who rose through their own exertions. He now ranged himself with figures like Curius, Cato the Censor, or the first Pompeius, of an earlier time, a Marius, Caelius, or Didius. He certainly had broken the bolts of aristocratic birth [1] after a goodly lapse of

[1] Muren. 17.

time. He was in a certain sense his own ancestor.[1] His quiet and somewhat invalid father had not even been able to present to his son any pattern of vigorous activity or of the pursuit of different aims. No smoke-begrimed ancestral busts[2] had supported his candidacy, no reverse at the polls had checked his brilliant career of honors; it was he himself in his own person, for the sake of his own merits, his own character, that had written his name in the Fasti of the eternal city.

On December 10th, 64 B. C., the new Tribunes began their year of office. The majority of them (as far as they were working members of the popular party) even then were under the direction of, or at least amenable to, the political suggestions of Caesar, whose banker Crassus even then seems to have been. In these last twenty-one days of December, P. Servilius Rullus(16) published (or, as they said, promulgated) an agrarian bill. It was the first one of the troublesome kind since the tribunate of Livius Drusus 28 years before. Cicero had the bill promptly copied, chapter for chapter, and a good part of these twenty-one days he seems to have devoted to a thorough mastery of the measure. Then he prepared himself to make a searching attack upon it, as soon as he officially could do so.

[1] Ego enim huc, a me ortus, et per me nixus, ascendi, *Planc.* 67.
[2] Pison. 2.

## CHAPTER TWELVE

### *CICERO'S CONSULAR YEAR AND CATILINE*

### 63 B. C.

Whether Cicero, out of his own political conviction (for he had very positive convictions in this field), if he had been consul in 70 B. C., seven years before, would have consented to the restoration of the full power of the Tribunate, is a question and may well be doubted. He certainly would not have taken the initiative. Now the betterment of social conditions at the capital, particularly some lasting amelioration of the proletariat, some diminution of the venal and resourceless mass of the "plebecula" (Att. 1, 16, 11), ever hungry, ever surging in vast multitudes at the assemblies in the Forum, ever the chronic leech of the treasury, such betterment I say was a postulate and necessary complement, still held in abeyance, of Pompey's consular year. For what after all was the power of the Tribunes, if they did nothing for the plebs, whose particular representative they were. This agrarian bill then was a comprehensive one, and of large provisions. It aimed at nothing less than finding a real domicile and living for the poorer citizens. In a certain way all the domain of state land in the provinces was in some manner traversed in the bill. In Sicily particularly the public land was gone over with all the precision[1] of the Census-tables themselves. Such public domain of course was to be found in all the provinces. It was not cited in the bill elsewhere with vague generalization, but set down, community after community, in Cilicia, Pamphylia, Macedon, the ancient sites of Corinth and Carthage, tracts in Spain. Nay in the very East, on the heels of Pompey's victorious eagles, where he even at that moment was extending the limits of the empire, in Pamphylia, Cappadocia and Pontus, the Ten Commissioners, with their five years' term of power, were to have the privilege of selling tracts and allotments of land. They were to hold their auctions anywhere in the empire, there

[1] Cic. Leg. Agrar. 1, 4.

was (as Cicero put it) not to be the wholesome publicity of the Forum. What huge opportunities then (9) for selling their favors, or, for financial consideration, what opportunities for not applying the terms of so vast and so elastic a statute? There was one peculiar provision: (12) the perquisites of the commanders were to be severely curtailed: their traditional share in the loot of the field and of the ultimate sales of regular booty, the gold for wreaths (not used for memorial nor turned into the treasury) were no longer to go to the imperator laureate, but, to the Ten Commissioners. A separate chapter was devoted to this. Even Sulla's heir Faustus, by a retroactive provision in the plebiscite, was to be heavily mulcted. Do we not here discover the fine Italian hand of Caesar? Pompey (13) indeed was to be exempted by name from this provision. But still the revenues from these newest conquests were to be placed at the disposal of the Commissioners. Colonies (16) were to be established, whenever the Ten were to choose; Capua was specifically named. Cicero here utters a peculiar appeal: Shall the ancient insolence of Campania be kindled once more? Shall Rome (19) have a new rival in the peninsula? A petty argument, it seems to us, but the new consul knew Rome and the Roman spirit far better than we do. Besides, new citizens were to be added in the extant communities of Campania. To these new citizens the public domain about Capua and the Campus Stellas to the north of that ancient capital of Campania, were to be parcelled out. And this was the public soil which had escaped the agrarian measures of the Gracchi, had been passed by in the autocratic sway of a Sulla. That which we now would call a wise amelioration of social distress, the chief magistrate presented as a dangerous measure of disintegration. I too, said the consul, am a popularis,[1] but a genuine one, not merely for the purpose of display. No fomenting of discontent! no stirring up of trouble! no second Rome! no autocratic commission! (24). In this first political speech of his consulate, on the very Kalends of January, Cicero announced (25) that he had taken an important step. He had, said he, determined so to conduct his consular office as to seek, "neither a province nor honor nor equipment whatsoever nor advantage nor anything at all which could be stopped by a tribune of the people." There were many reasons for this important policy, of which we shall hear more further on. Cicero had always been the defender of

[1] Clearly the measure was everywhere so considered.

property, specifically of capital and the capitalistic class: his colleague Antonius was a political intimate of Catiline, and even had been chosen for that very relation. Cicero's aim from the beginning of his administration was to render his colleague Antonius harmless. Actually the Arpinate on the very threshold of his greatest office was the spokesman both of the oligarchy and of the capitalists whose wealth was gained from concerted exploitation of the provinces, who farmed taxes and port dues, who invested heavily in timber, in grazing lands, in mines, and who advanced funds to the subjects of Rome with enormous interest. And, by a coincidence, which Cicero as a man of affairs swiftly appropriated, he could by a single stroke of public discourse appear both as a champion of the interests of the absent Pompey, as a defender of the resources of the senatorial class, and as visible leader of all "the good citizens." It was in a way, an inaugural address, announcing a policy of firm and consistent conservative procedure. Often in this first consular speech Cicero turned to the Tribune Rullus directly, but that politician, (like so many of the minor politicians in the United States to-day) most likely owed his election to politicians much greater than himself. Rullus in short refused to withdraw his bill. Cicero therefore in his first consular address to the general populace (contio) took occasion to repeat his dissection of the land bill, and drive home his arguments in dealing directly with the "wretched pack of a plebs, the leech of the treasury." In comparing the senatorial oration with the popular address, we may make several instructive observations. The arguments and points are almost the same, but they are more elaborate and detailed. At the same time the experienced speaker adjusts himself to his audience. In his political bosom he held in positive abhorrence the Gracchi no less than Sulla, the popular reformers no less than the autocrat of the oligarchy. And still he knew well that to the commons of Rome Cornelia's sons bore a hallowed name, and so (10) he extols them. One of his strongest points was the vastness of the power (75) to be bestowed upon the commissioners, the indefiniteness and irresponsible range of their operations, the endless opportunities for jobbery. At heart he really abhorred the entire project:[1] it was in his eyes a gigantic measure to corrupt and bribe the poor, and still but a

[1] The latest historian of the Roman Republic, Heitland 1022, has no respect for the bill at all.

make-believe (simulata largitio) (76). He intimates again and again that Rullus is not the real principal, not the actual author of this legislation. "Those who were plotting" this, (23) others than Rullus, who of course came out in the open, "when a small number of men had cast greedy eyes on all your possessions" (25) "those men who are the originators of these designs" (20) "and this will be a minor proof for you, that autocratic power and control of everything is being sought by definite persons" (25). Were not these definite persons the ones who, a little before the last consular election, had concerted measures jointly with Catiline and Antonius, to defeat the speaker? In fact were they not Caesar and Crassus? If the land commission had gone through, little doubt that both of these major politicians would have had places on it. It was in the air (11, 41) that the commissioners would perhaps quietly annex Egypt. There was a widespread belief that the late King (Ptolemy IX Alexander) had willed the kingdom of the Nile to the Roman people, that first steps had been taken to claim the estate of the Ptolemies, that the present occupant, Ptolemy Auletes, was not really of legitimate blood nor kingly spirit.[1] The Alexandrian job and the whole project was undoubtedly fertile with vast possibilities of swift power and wealth, compared with which ordinary provinces were a meagre thing. If the consuls for 63 had been Catiline and Antony, little doubt but that the agrarian bill of Rullus would have gone through; little doubt too, that these destitute and desperate politicians would have been handsomely provided for. It must however be frankly admitted that the brilliant orator and adroit debater, while apearing as the defender of actual property and privilege, had no project of his own to relieve the capital in any degree of its helpless and dangerous proletariat. The plebiscitum might have been passed in spite of the oligarchy of the senate, but the clever management of Cicero's discourse marshalled against it the name and the interests active at Rome, of the man then campaigning in the East, whose pride (the first concern to Pompey always) and whose freedom of disposing of what he considered his own, would have been greatly interfered with. And it is here particularly perhaps that we may trace the influence (in the preparation of the bill) of Pompey's bitter enemy

[1] Plut. Crass. 13. Crassus the Rich in 65 B. C. had been Censor with Lutatius Catulus. In that office Crassus set out to have Rome annex Egypt. His colleague however so vigorously opposed him, that both resigned the censorial office.

Crassus: "when (52) the war is not yet concluded, when Mithridates, having lost his army and having been driven from his kingdom, is still contriving in the furthermost lands (north of the Black Sea, and near Sea of Azov), and is being defended against the invincible soldiery of Cn. Pompey by Lake Maeotis (the Sea of Azov) and those marshy wastes, and the narrow routes for passages, and by the mountains, when the victorious commander is actually engaged in war, and when in those regions even now the name of war remains, those lands, the entire disposition and control of which ought, by custom of our ancestors, be in the hands of Pompey, the Ten Commissioners are going to sell."

Plutarch's summary (c. 12) of this proposed legislation breathes the spirit of Cicero's presentation: the ten men were to have the imperial power; they were to have the right to sell the public lands (*τὰ δημόσια*) in all Italy, in all Syria, and whatever through Pompey had been recently annexed, to subject to trial whom they pleased. Some of Plutarch's specifications are somewhat vague, as e. g. *συνοικίζειν τὰς πόλεις* by which perhaps is meant the power of establishing colonies where settled communities already existed. Plutarch further says that Antonius supported the bill with the expectation of entering the commission; perhaps a mere inference on the part of the biographer. Cicero (so Plut. proceeds) took pains to proclaim to all concerned, that Antony had made a pact to observe loyalty toward his colleague, in return for Cicero's yielding the proconsular province of Macedon to him. (Crassus and Caesar had financed the consular canvass of Antonius.)

The plebiscitum Rullianum was thus dropped. But there were other Tribunes too and they had promulgated several other plebiscita (Dio, 37, 25), e. g. to restore full political rights to children of men proscribed by Sulla; a bill to restore Autronius and Sulla to the Senate; a project of reduction of debt, relief of insolvents; Dio (Livy) credits Cicero with the abandoning[1] of all these by their sponsors.

His next discourse was an address of pacification in connection with the law of Otho (Roscius O.), which provided that the first fourteen rows of seats at public games or plays should be reserved for members of the Equestrian class: it was an incident: Otho personally appeared in the theatre, and while[2] the knights clapped their hands, the common people hissed vigorously, each party trying to tire out the other. Cicero came in, saw the in-

[1] *πρὶν ἔργον τι ἀπ' αὐτῶν συμβῆναι*
[2] Plut. Cic. 13.

cipient riot, summoned the people to leave the play and come out to the neighboring temple of Bellona from the steps of which he addressed them, reproved them but also pacified them: they returned to the play and vied with the knights in applauding the man whom shortly before they were on the point of mobbing. As Eupolis of Pericles, so of him too one might have used the same commendatory line, πείθω τις ἐπεκάθητο τοῖσι χείλεσιν. "Some force of sweet persuasion sat upon his lips." As to Antonius and Macedon, the arrangement had been made before the inauguration of Jan. 1st, 63 B. C., perhaps soon after the election. A formal announcement to the people was made much later in this year (Att. 2, 1, 3). Hitherto Cicero had come into conflict with Caesar's henchmen and servitors. Soon he was to deal more directly with the resourceful antagonist of the oligarchy. T. Labienus, still another tribunician agent and mandatory of Caesar's,[1] brought to trial an old man, Gaius Rabirius, for Treason (Perduellio). The act for which the latter was now indicted, had been done thirty-seven years before, when the Tribune Appuleius Saturninus was slain after having himself resorted to organized violence and political assassination, in consequence of which the Senate had committed to the consuls the powers of martial law.

Caesar and his kinsman Lucius Caesar were drawn by lot as iudices quaestionis[2] (special trial judges for the case of Rabirius). Caesar was now an exaedile, and from these often were chosen special justices to supplement the regular praetors of the year. It is difficult to square the narrative of Suetonius with any belief in the uprightness of Caesar. If the latter equipped Labienus, was it a genuine accident that the lot designated Caesar himself to preside over the case? Now too Caesar condemned the old man, "with such eagerness that nothing helped the defendant so much in his appeal to the people as the bitterness of the judge." It was distinctly a political prosecution, and Caesar here appeared in his favorite rôle of avenger of the populares against the privileges of the Senate. It was in the appeal of Rabirius to the people that the consul Cicero spoke in his defense. Associated with Cicero was Hortensius. Cicero by motion of Labienus had but one half hour allotted to him for pleading

[1] Suet. Caes. 12.

[2] According to Dio 37, 27 the appointment of Caesar by the praetor instead of by the people, was irregular.

(6), but the extant speech makes it obvious[1] that he greatly enlarged this discourse for publication. The entire prosecution (11) was projected as undertaken in the interest of the people's party, the *populares*. But would capital punishment as the issue of purely partisan persecution really advance the people's rights? when true defenders of such rights like Cato the Censor or Gaius Gracchus had protected the life and dignity of Roman citizens most incisively. An uncle of Labienus had perished with Saturninus in that turbulent year of Marius's sixth consulate. The orator was copious in depicting the block and the cross as threatening a peaceful old man in such ruthless vindictiveness of purely political persecution. But with telling force he directed his chief energy at one thing. It was not so much the life of Rabirius that was wanted. Rather was this the aim of the prosecution to break down the ancient bulwark of order and senatorial discretion, viz. the declaration of what we would call martial law, when the conscript Fathers by formal resolution called upon the consuls to see to it that the state suffer no impairment (20). In imposing array he marshalls the foremost names of the commonwealth, whose bearers in that sixth consulate of Marius had placed themselves at the service of the government, with the same patriotic impulse and loyalty which had prompted the client of Cicero, as well as his exemplars and teachers, L. Crassus and Antonius and the two Scaevolas among these defenders. The design of Caesar was clear enough. But Cicero named him not.

The relation of the end of Saturninus as given in Appian B. C. 1, 32, exhibits conspicuous points of divergence. After Memmius had been beaten to death with cudgels right at the election, Saturninus with the quaestor Saufeius and the praetor Glaucia fled to the capitol. "And when the senate had voted that they should be put to death, Marius, though disgusted, still armed some men, with hesitation. And when he was sluggish about it, others cut the water which ran into the sanctuary. And Saufeius demanded to have the temple set on fire, as he was perishing from thirst, but Glaucia and Appuleius, hoping that Marius would succor them, surrendered themselves, these first, and after them Saufeius. But Marius, while every one bade slay them, shut them up in the curia with the design of acting more legally. But they thinking that this was a pretext, loosened the tiles of the curia, and pelted Appuleius and his followers until they killed them, a quaestor and a tribune and a praetor, still clothed with the emblem of their office."

[1] Plin. Epp. 1, 20.

Cicero's fellow pleader Hortensius had (18) made it the central point of his discourse to show that some other person had slain the riotous and criminal Saturninus. At one point Cicero declared his regret at this contention: would that so patriotic an act could be truly credited to Saturninus. There was an angry roar, which the speaker treated with defiance. He appealed with splendid adroitness to the memory of Marius himself, still an idol of the popular party, to hallow as it were the act of those who slew Saturninus. And here with a noble upward sweep he confesses one of his own deeply cherished sentiments of public life and public service. It is not the renown of the moment nor the acclamations of the hour, which furnish the deeper moments for great achievement and noble deeds: no, it is the vision of the distant future and the lasting fame far transcending this little life and the short span of mortality. The mighty victor of the Cimbri hailed from Arpinum. So did the speaker. It was no easy routine of perfunctory honors into which the consular office had borne him. From the very beginning of that year he had come to assume a serious and lofty attitude for himself: to be the defender of property, of civil virtues, of all that had been wrought for his generation by the history of Roman civilization. But even the eloquence of Cicero would not have saved Rabirius [1] had not the augur Metellus Celer caused the banner on the heights of the Janiculum to be lowered, whereby all further proceedings were inhibited. For it was the call of old (when Etruscans approached) for the adjournment or dispersion of the comitia centuriata. It was not that Caesar as head of the populares wished justice to be done however late. Catiline, whose hands had been deeply stained in Sulla's proscriptions, escaped condemnation for bloodshed: a verdict at the hands of the same Caesar [2]: and compared with Catiline, Rabirius was as white as snow. In this same year, in the pressure of conservative politics Cicero found himself constrained to do something which was very distasteful to him. Some tribune had proposed to cancel the political disabilities of the sons of the proscribed, viz. their rights to hold office. "For what [3] more cruel than to have men sprung from honorable parents and ancestors kept out of the government?

[1] Dio C. 37, 27. But cf. Lange 3, 242. Dio by the bye (37, 29) hastens on to Catiline and makes the conspiracy the consequence of Cicero's making more severe the statute for *ambitus*.

[2] Ascon. p. 92.

[3] Quintil. 11, 1, 85.

Therefore that supreme artist in manipulating the souls of men does indeed confess that the commonwealth is so bound up with the statutes of Sulla, that, if these be loosened, the commonwealth itself could not stand. And so, he achieved it that he seemed to do something for the sake of those also, against whom he spoke." He published this discourse.[1] His attitude towards the sons of the proscribed was one of entreaty, and the matter was dropped. Still later in this year the consul took occasion to announce to the general populace on the Forum that he had declined a province.[2] This he had communicated to the senate on the very Kalends of January. As Caesar used Labienus to undermine the ancient privileges of the Senate, so he used him further in his successful attempt to secure the Chief Pontificate for himself. Labienus proposed to restore the rule[3] that 17 tribes should nominate for a priesthood, thus again limiting the privileges of the aristocracy. Caesar himself defeated Q. Lutatius Catulus and Servilius Isauricus at the polls. An expert in the prevailing system of electoral corruption, he had strained to the utmost his resources and his credit for the emergency[4] and so defeated both the noblemen named by an overwhelming majority.

Since 1856 it has been quite the fashion[5] to cheapen and belittle the political consistency of Cicero, to delineate him as a veritable renegade in abandoning his earlier political convictions. This is undeserved. In this very year, 63 B. C., when Cicero actually was the spokesman of elemental conservatism, he made an earnest attempt to prune away a certain privilege of the office-holding aristocracy, which to his sense of justice had long been an odious abuse. The so-called "Roving Commissions abroad" (Liberae Legationes)[6] were among the most cherished perquisites of Senatorial privilege. Under guise of an official mandate to go abroad, members of that body attended to their private affairs, collected funds or interest, etc., without any definite date of going and returning, while the provincials everywhere were compelled to supply the necessities en route of these touring

[1] Att. 2, 1, 3. Plin. N. H. 7, 116.

[2] Att. 2, 1, 3. Sexta, cum provinciam in contione deposui.

[3] of 104 B. C. Lex Domitia Cic. Leg. Agrar. 2, 18. Dio C. 37, 37.

[4] Suet: Caes. 13.

[5] One might suggest much longer, but Drumann did not captivate the world as Mommsen did.

[6] Cic. Legg. 3, 18.

gentlemen, a custom oppressive and vexatious to the subjects of the Roman empire. The orator then strove earnestly to do away with this abuse, "although (Legg. 3, 18) it seemed to constitute a perquisite of the Senate." Cicero's reform measure was actually approved in a fully attended senate, but some windy tribune interceded. The reformer then had to be content with limiting these legations to one year.

Again Cicero has been called a Pompeian. This likewise is too narrow a conception of his politics. He was quite independent of Pompey and his particular faction, when the settlement of Lucullus's triumph at last, after a delay of three years, was accomplished. This incident which must have roused the illwill of the Pompeians at Rome against Cicero took place in October. But we must now return to Catiline, who was again a candidate for the supreme office.[1]

The newer critics claim, that it was only after his second defeat that Catiline really organized his conspiracy. However that may be, we must now begin to make some use of Sallust, and we may well credit the speeches put by that historian into the mouth of his greater figures, with as large a measure of substantial historical truth, as we would, e. g. in the case of Thucydides. The chief sentiment which the Roman historian (c. 20) puts into the mouth of the leader of the revolution, is, in a word, the jealousy of the *Outs* against the *Ins*. He urges, that the control of office and so subsequently the exploitation of provinces are the chief sources of the enormous wealth of a small definite class. It is not trade, industry or frugality which leads to, which is the source of, these dazzling fortunes. It is the control of the Empire. It is the hated privilege of the Few. At Baiae or elsewhere by the sea one may observe the measure of their incredible riches; where their engineers and architects by huge constructions move back the sea itself in order to create new and more favored substructures for their villas[2] or where mountains are levelled; while in the choicest quarters of the capital they sometimes united two or three contiguous mansions, to create a single resi-

[1] The date of the election in 63 is a subject of controversy. *John* claims it took place as early as July.

[2] Perhaps Sallust, without overmuch concern for chronology, had L. Lucullus in mind; cf. Plut. Lucull. 39 sqq. where the philosophical biographer presents a very good conception of pastime (παιδιά), particularly the engineering operations near Naples. Tubero called Lucullus the "Xerxes in the toga."

dence adequate for their social habits. With similar profusion they purchased paintings, statuary, reliefs in hammered work; they destroyed costly structures because they ceased to please their fancy: no matter, they could not vanquish their wealth. But because provinces are the exclusive preserve of this little coterie — what shall we do? Such an appeal then could not be used with the broad mass of the plebeians, but this came home to that part of the upper class who were beyond that part of the favored circle. The spirit of action, Catiline proceeds, was in the air; all that was needed, was an actual beginning.

Catiline's friends were like him, resourceless and hopeless, although (c. 21) "to them it was a great reward to disturb peace." The aim of the whole movement was not at all any change or reconstruction of the constitutional fabric: there was here no continuation or extension of the work of the year 70, when the *populares* reasserted their share in government and legislation. Not in vain had Catiline earned his spurs in the Sullan times, when power and wealth came and went, as it were, overnight. It was now proposed to proscribe the rich, to destroy the documents which bound the debtor, to bestow priesthoods and offices, to loot at will; in short, to do once more what Sulla had done, but to do it without the additional aid of an extensive programme of constitutional rehabilitation or equalization, but purely and simply to subvert for the time being the ordinary shelter of life and property.[1] The absence of Pompey, and the certainty of his return within a limited time, was not without weight in accelerating the movement. Among the conspirators (Sall. 23) was Q. Curius, one of that large company of senators who had been stricken from the list of the Great Council in the census of 70. He had a *liaison* with a lady of the aristocracy, Fulvia; of late on account of his poverty she had been chary. His sudden change from sullen depression to sanguine and boundless hopes and promises, mingled with threats, naturally made a strong impression upon his mistress. She readily ascertained from her lover the cause of this mutation. Thus the matter leaked out. The aristocracy became seriously apprehensive. Fulvia was

[1] Sallust (22) declines to determine the charges of drinking blood, mixed with wine, on the part of the accomplices, as they pledged themselves. Inventions, some said, of a later time, to lessen the odium borne by Cicero. It is not unlikely that this item was recorded in Tiro's biography of Cicero. Plut. c. 10, makes the ceremonial act veritable cannibalism.

regularly placed on the consul's pay-roll. If Catiline had been alone, or if his personal resourcelessness had disposed of all danger from that quarter, Cicero would have slept more peacefully in that summer and autumn. One may be quite sure, that the bankers of the equestrian class withheld their loans, and still Catiline commanded large funds. In that time of accelerated decadence he was not only the truest mirror of his generation, but the head of the movement which aimed at the cancellation of debts, and at substantial relief from all the burden and misery which the civil law imposed upon the debtor class. A former centurion of Sulla, Manlius, had begun recruiting and had established a camp for this purpose at Faesulae [1] on the southern foothills of the Apennines, in a position impregnable in itself and admirably placed either for advancing southward or for effecting a retreat to the Po country. Organizers of revolt had likewise been sent to Apulia and Picenum. The acts of Cicero's government meanwhile were largely determined by Cicero's constant apprehension of Catiline. So suspicious was the consul, that he had brought to the capital, for his personal service and protection, a body of young men from Reate in Sabinum, a community of which the orator was patronus [2] or stated counsel. In order to make electoral corruption more risky, Cicero procured an addition to the Calpurnian law de Ambitu: a period of ten years exile was now added.[3] As for Catiline himself he was neither cowed nor even secretive. He appeared in public with a mien of sanguine assurance. Great numbers of voters had come from Arretium and Faesulae (Muren. 49); they surged around him in all his going about. Another element were the wretched men, who during the last 18–19 years had been driven out of house and home by Sulla's ruthless decrees. As for the leaders of the forsaken, "his own mien was full of madness, his eyes of crime, his speech of arrogance, so that his consulate seemed to him now assured and stowed away for him at home." A champion we say of the poor and the wretched (Muren. 50): this was the public character which he affected. The addresses made in the inner circle of his home were bruited about, and this utterance particularly seems to have made a great impression, became

[1] The chronology of Sallust 27 is slipshod.

[2] Pro Scauro 27.

[3] Schol. Bob. 309, 326 Lange 3, 245. — Dio 37, 29 makes this statute Catiline's motive for the actual conspiracy: probably his own construction of things.

a winged word perhaps: a trusty leader of the wretched must be one who was himself in that plight; none other could be relied upon to help them recover their lost fortunes, and once more re-establish themselves in the world.

Crassus and Caesar had assisted Catiline in his first canvass. Did they do it again? I doubt it. Pompey's return was one full year nearer. In this year Mithridates perished, north of the Black Sea, by his own determination, at the hands of a Keltic mercenary, lest he be destroyed by his own son Pharnakes. Pompey was then in Syria. Again Fortune seemed to grant to him her choicest favors, when he himself had merely to stretch forth his hand to accept them, as often before. "If you weigh carefully" (so Cicero wrote a little later, Muren. 32) "what power Mithridates had, and what he accomplished, and what a man he was, you will of course rate him higher than all the kings with whom the Roman people waged war." Pompey's dispatches told consuls and senate that Rome's arch-enemy was no more. Public opinion indeed considered the war as at an end. It must have been to the anxious consul a delightful piece of news. As presiding officer, after the official dispatches had been read in the curia, he put to the vote a decree ordaining a thanksgiving [1] (supplicatio) of ten days. These were important facts, and they entered into the sum of political circumstances, which determined or influenced the thoughts and plans of men. On October 21st there was a session dealing with the political situation, i. e. with Catiline. Cicero presided. Somehow we never hear specifically of Antonius presiding in that year. Cicero directly called upon Catiline to speak, to reveal his designs or utter his complaints. (Muren. 51.) Catiline then spoke. A certain passage of his speech made a great impression. There were, said he, two bodies in the state (these two made up the state), one weak with a feeble head, the other strong, with no head at all. This latter body, if it were so to deserve of him, would not lack a head as long as he lived.[2] It was a great threat, and a large programme. A sigh passed through the Great Council. Some had no apprehension

[1] De Prov. Consul. 27.

[2] reproduced also in Plut. 14, who calls it the rejoinder of a madman. But it was not so at all. The data presented by Cicero in *Muren. 51* are of course perfectly reliable, but notice the extreme freedom of Sallust 31, who puts this utterance into the mouth of Catiline, when the latter makes reply to Cicero's First Catilinarian on Nov. 8.

whatever, others feared too much. Few had the spirit of Cato. A few days before, that intrepid man had threatened Catiline with a trial, but Catiline had replied, if a conflagration was gotten under way to destroy his own estate, then he would put out the fire not with water but by the demolition of the adjacent property. (Muren. 51.) As to the two bodies, the senate and capitalists were meant for one, or, better, the wealthy in both divisions, and everybody else stood for the huge but headless body. The leader of an impending revolution then rushed out of the curia. Then it was that the conscript fathers adopted the same resolution which, some thirty-seven years before, had caused the destruction of Saturninus, viz. "Videant consules, nequid respublica detrimenti capiat." [1] It was in this very year that Caesar had striven to destroy that bulwark of old. By this Cicero and Antonius could enlist an army, wage war, apply constraint to provincials and citizens, maintain judicial procedure at home and abroad, as well as military command, and be supreme therein. This great or ultimate Resolution now threatened Catiline and his supporters. For the present it was like a sword [2] concealed in its scabbard: its edge neither felt nor seen. Quintus Metellus Celer was entrusted with Cisalpine Gaul, so that the recruits and veterans gathered at Faesulae could not well break through to the north.[3] The election had brought Catiline a second defeat at the polls (repulsa), and when we consider the vain effort of Catiline to appear as a candidate after his return from Africa, it was in a way a third civic discomfiture. Catiline, supported by Autronius Paetus (the dispossessed consul of 65 B. C.), was fairly prepared to commit violence or worse, but Cicero had taken steps to have public opinion on his side. In November he referred to the matter thus (Muren. 52): "Stirred by these things and because I knew that members of the conspiracy with swords were being led to the Campus Martius by Catiline [4] I

[1] Dio 37, 31 gives a close version of the Latin formula.

[2] Cic. Cat. 1, 3.

[3] Fam. 5, 2, 1.

[4] According to John, Cicero did not know what he was talking about. The election, John claims, was at the regular season July–Aug., and there was no conspiracy until after Catiline's second *repulsa*. But would Aemilius Paullus have waited some three months before indicting Catiline *de vi*? Was the charge of this indictment not based on the attempted or projected assassination of the consul Cicero at the election? Cicero's putting on of the corselet John calls a "scurvy trick" (ein infames Manöver). But Memmius in 100 B. C. had been killed on

went down to the campus with a guard of fearless men (the Reatines probably) and with that (familiar and much discussed) broad and conspicuous corselet, in order that all good citizens (conservatives) should notice it, and, on seeing the consul in fear and danger; should (as it turned out to be the case) rally to his aid and protection. Perhaps Terentia had suggested something also. There had thus been chosen as consuls to succeed in 62 B. C. Decimus Junius Silanus (then second husband to Servilia, mother of Brutus) and L. Licinius Murena. Not only Catiline had been defeated, but also one of the purest and noblest characters then in public life, the eminent jurist Servius Sulpicius Rufus. The resolution for Martial Law did not make Catiline leave the capital. That sword indeed was still in its scabbard. In spite of all that Cicero knew through Fulvia, it was not enough to indict him for high treason. The solidarity of the revolutionaries was for Cicero very disquieting. We know that even in September Catiline had been a stated theme of Senatorial debate.[1] The conscription of troops by Cicero's government went steadily on meanwhile. Then a young aristocrat L. Aemilius Paullus brought against Catiline an indictment for attempted violence or use of arms.[2] The news from the north of the progress of the military insurrection seemed to confirm the consul too. At this point Catiline, who lacked not a certain psychological adroitness, placed his person at the disposition of the government and after divers offers went into private arrest (Dio, 37, 32) in the residence (Cat. 1, 19) of M. Metellus. Him Cicero considered a particularly negligent man of sluggish intelligence. And this does really seem to have been the case. For in the night following the day of November 6th[3] there was an important meeting at the house of Porcius Laeca in the scythe-makers' street. Catiline had no difficulty in slipping out of the house of his private gaoler Metellus; it was indeed a wild and stormy night. And so too were the deliberations. The Roman calendar was in arrears. According to the solar year it was January 10th, 62 B. C. Time was urging and

such an occasion. Plut. 14 gives some additional detail, perhaps recorded by Tiro from his master's oral supplements. Dio 37, 31 hurries so much, that he even passes over the election itself.

[1] Suet. Aug. 94.

[2] Under the lex Plautia *de vi*. cf. Mommsen Strafrecht p. 654.

[3] *Pro Sulla 52:* nocte ea quae secuta est posterum diem nonarum Novembrium.

driving Catiline to action. The crisis, if crisis there was to be, could not be much longer delayed. His last design, i. e. to seize Praeneste on Nov. 1st, he had been compelled to abandon; Cicero (Cat. 1, 8) forestalled him with a stronger garrison. At Laeca's house then at last Catiline definitely assigned specific tasks; who was to accompany him to the north, who was to stay, what numbers were to set Rome on fire. What detained the leader himself was this, that Cicero himself had not yet been put out of the way. That was the most urgent and immediate task. Two associates of Catiline were found eager to dispatch that important magistrate, and in that very night (Nov. 6–7). Before daybreak then, early in the morning of Nov. 7th, Vargunteius and Cornelius [1] appeared at Cicero's portal, but they were not permitted to enter. Cicero, through Fulvia probably, knew of the identity of these two in advance. (Cat. 1, 10.) At last the time was come, when the consul, in a way, would act. In a way, why not long before? He indeed had ample material, but Curius alone, or better, Fulvia alone, could not buttress a great state trial for high treason. These two were in themselves a disreputable pair: an expelled senator, and his mistress, once a lady and now a declassée. These two would hardly do to go before a jury. If only Catiline himself would come out in the open! The day of November 7th was wisely used by the consul, to improve the security of the capital by increasing the number of armed posts therein. For November 8th an important session of the senate was announced, to be held, this time, in the temple of Jupiter Stator, this too a measure of greater security. If Catiline had known that Cicero learned everything, almost as soon as the conference at Laeca's house had adjourned, perhaps he would not have taken his seat among the Fathers on that fateful day. But he did. All this, some critics think, adjusted itself beautifully to Cicero's programme. I believe Cicero was taken aback. But soon that deep and infinitely sensitive and mobile faculty within him roused him to utter the famous and overwhelming denunciation, which the world has known ever since that day as the first Catilinarian. Catiline had not sneaked away as Cicero had hoped. All the accumulation of Cicero's military or quasi-military measures had failed in their chief de-

[1] Sall. 28 has the same names, but Plut. 16 has Marcius and Cethegus. In App. 2, 3 the plot is related as one to be executed by Lentulus and Cethegus *after* Catiline's departure, with much detail, says *E. Schwartz* in Hermes 1897.

sign, to drive Catiline into declaring himself. But now, in the flash of a moment, the consul resolved to drive the arch-conspirator out of the capital and out into the open and at one stroke, if he could, dispel the mists of vague suspicions and brooding fears, which so long had lain on all the conservatives in Rome. Before his swift historical retrospect there loomed up the crises of the past and the prompt initiative of conservative leaders in dealing with men far superior to Catiline, — the Gracchi, Fulvius Flaccus, Saturninus. He drives at the cowering revolutionary with tremendous force: on Oct 21, he had foretold that on the 27th Manilius would raise the standards of insurrection in the north. He reviews, and still he shrinks, from a full recital of that which happened at Laeca's house. He does not name the others then present before him in the session. But under the defective laws of Rome not even the twain who came to the closed portal of the Palatine mansion afford any material for aught but denunciation. As the consul thundered on, Catiline found himself even publicly and impressively isolated, an outcast among the conscript Fathers, who drew away from him [1] as from a tainted and accursed thing. But even then the Arpinate dared not to utter the simple command by which as consul he could relegate any private citizen [2] from the capital. But even in the afflatus of that swelling emotion he clearly saw that it would be impolitic to exile the revolutionary. After all he thought it more effective to draw away at length the veil from all he knew, to give to the senate and to the world all the impending acts, the entire programme of Catiline's proposed measures, the men that were to await him in Etruria, and at what point (24); the date agreed upon with the centurion Manlius, the silver eagle itself that was to herald the new commander. Should he not then treat Catiline as a self-confessed felon and even now, under the Ultimum S. C., save the state from all further danger? But even in the Great Council and still more so in the commonwealth at large (30) Cicero would by no means have been supported by unanimous and cordial approval. Nay, the revolutionary would have at once been elevated into the honors of a political martyr. The consul is now sure that Catiline will no longer stand upon his going. It is the cloud of hopeless debtors who ever surge about the tribunal of Civil Procedure (that of the praetor Ur-

[1] Plut. *πάντες ἀπὸ τοῦ βάθρου μετῆλθον.*

[2] cf. the case of the consul Gabinius in 58 B. C. in relegating Lamia.

banus), and are anxious to support Catiline: these will support their leader. The peroration (as published) was of surpassing dignity.

According to Sallust 31 even then Catiline was not completely cowed, but brought forward that somewhat worn and old piece of furniture, his aristocratic pedigree, contrasting it with Cicero's humble origin in the mountain town of the Apennines. Cicero, a mere "tenant (inquilinus) in the imperial city." Cf. App. 2, 2. Is it not curious? It is precisely what Catiline replied to Cicero's Invective in Toga Candida, in the Senate, not long before the consular elections of 64 B. C. It does look as if Sallust again had indulged in peculiar freedom of putting in his material with little regard to time or sequence.

But the senate would not hear Catiline any more: for the first time the curia freely denounced him as a traitor and a public enemy.

There are many reasons for believing that Cicero published this discourse soon. His words then were acts, and the chief acts through which he could influence the course of events and bring publicity to bear on all concerned. Why should he wait? In his own enumeration (Att. 2, 1, 3) of his published consular speeches this one was the seventh. "The one by which I let Catiline out" (qua Catilinam emisi); it was literally the instrument of that letting out. The speech drove Catiline out of Rome.

Dio indeed (37, 33) with that pragmatic inference in which he indulges but too readily, seems to present new data; e. g. that Cicero had many who reported "such things" and, to gratify Cicero, the senate passed a resolution that Catiline must withdraw. Of the First Catilinarian the acidulous historian says nothing. His chief authority, Livy, a warm admirer of the orator, hardly passed it over. But Dio has a way, which is entirely his own, of either shortennig or ignoring things.

In the night then (Nov. 8–9) which followed that important day, Catiline left Rome, where he had hoped to rule as Sulla the Second; left Rome, which he was to see no more. According to Plutarch (c. 16) he had at once a body-guard of 300 armed men and the emblems of consular power. Not at once however. He went by the Aurelian highway which reached the Etruscan coast at Alsium, and thence steadily skirted the Mediterranean to Pisae. From that port it turned eastward up the Arnus, to Pistoria, Florentia and Faesulae. In the earlier part of his journey he observed some caution, nay in proceeding he used a

stratagem, to check all serious pursuit (Sall. 34). To the very pillars of the great council, to most of the consulars he wrote an identical letter from his journey claiming that he had been borne down by the baseless charges of a mere clique, but now, for the sake of peace, he was going to Massilia. He was actually playing for time. About this time too, Catiline's lieutenant in the north, Manlius, sent envoys to Marcius Rex, now entrusted with one of the military commands. These envoys bore a missive. Manlius wrote, that the military movement centering at Faesulae was not one of wanton or wilful character. Rather was it due to self-preservation. The usurers and money-lenders had driven them from house and home. Civil status and personal honor had been lost, almost all those things, in fact, which made life itself precious. The praetor too, who executed and enforced the civil law, was named with the money-lenders as cruel. Allusion was made to certain acts of relief in the past, in fact not so very long ago, in 86 B. C., when the successor of the deceased Marius, Valerius Flaccus,[1] had brought in a law for the relief of debtors, permitting them to scale down their obligation to 25% of what they actually owed. Thus then, "with the cordial assent of all good men, silver was paid with copper." The secessions of the Plebs also were cited. In short they sought relief from the verdicts of the civil law and from the harshness of the Praetor Urbanus. And if we are to weigh the gravity of the political situation in November 63, it is this wide and serious movement, the cry of the debtor-class rather than merely the nefarious plots of the leader which we must hold in view, if we would estimate more fairly and perceive more clearly the task of Cicero as consul and statesman. On the day succeeding the night of Catiline's departure, on Nov. 9th Cicero delivered a public address (contio) to the people on the Forum. It was but one day after the overwhelming invective. The spirit of this Second Catilinarian is, in part, one of jubilant exultation. The consul (1) is convinced that the revolutionary leader has been manoeuvered out his strongest position, and compelled to come out into the open and declare himself to be, now at last, as what he had long been, a public enemy. The fabric of the imperial city still stands in substantial integrity. Cicero has let him out (emiserim). Circumstances had held the hands of the executive, so that more could not be done. The number of those citizens

[1] Vell. 2, 23.

was still too great, who had not yet been convinced of Catiline's guilt. He had been the greatest power for every form of evil, the quickening incentive and tempter for every species of wrongdoing whereby he had long been wont to attach the perpetrators to his person and to his fortunes. And still so widespread has his social corruption become, that he is esteemed a genius and a hero in the minds of innumerable men and women. These festering elements in the body politic unfortunately he has left behind him. It is high time now (9) that the very principles of right living reassert themselves once more. The very life and future of the commonwealth imperatively demands that. How deeply humiliating is this reflexion, when we compare the domestic situation with our affairs abroad, where Pompey (11) has brought every foe on sea and land to the feet of Rome. Did I exile Catiline? I am charged with that. Barely had I escaped the poniards of his emissaries. The consul then goes on to review the events of the preceding day (Nov. 8) in the senate and recounts the mass of incriminating facts implied in Catiline's attitude and departure. Even then rumor had it that Catiline was on his way to exile at Massilia. If he really is, then I will be called a ruthless autocrat (14). But believe me, he will not go there; within three days that fiction will be exploded. In one point alone did his plan suffer a serious discomfiture, that he did not achieve my death first.

It is in this discourse particularly that the eloquent consul reveals himself as endowed with the faculty of taking a large view of a given situation. We cannot withhold from him the honorable title of statesman. Cicero's survey of the groups and interests and classes which sympathize with Catiline and hope for his success, is, in the entire ancient tradition of the Catilinarian problem and the Catilinarian crisis, by far the most precious thing still available for the historian.

It far outweighs the sociological sketches of Sallust which owe to it the best part of their value. The fragmentary and uneven manner of Dio Cassius has clearly left Livy often unused and, filled with a personal aversion as he is, utterly ignores the discourses of the central figure in that crisis. I am tempted indeed to believe that the elderly historian, whose animosity for the name and fame of the Arpinate is so conspicuous in his work, and who, with his pen at least, treading in the footsteps of his model Thucydides, executed so much literary oratory, was swayed perhaps by some subconscious jealousy and ill-will for the great orator.

Cicero, I say, outlined the classes, groups and interests which actually constituted the following of Catiline. We marvel at the wide extent of that following. The consul did not exult over them but offered to deal practically and conservatively with them, if he could. First, then, there were the owners of the goodly estates (18) whose property outweighed their obligations. Let them raise capital by a system of auctions to be supervised by the government. They have been struggling along and have consumed their income by interest payments, without making any headway whatever. The second class (19) are those who seek political control, powers, offices, through a revolution. Let them be assured first, that there will be no revolution, and further if there should be one, then a class far below themselves will pluck the fruit which they covet. In the third class in the main are elderly men, veterans of Sulla, established on their land assignments by that dictator some eighteen years before. These have been living with reckless profusion and so have burdened themselves with crushing debt. They also have now attached to themselves some poor peasant folk. There will however be no new Sulla, no more proscription and rapine. Those times have left too deep a disgust and resentment in the minds of men. The fourth class is a motley one (21). Here are the wretched folk who have been tottering along in chronic insolvency, and who have suffered much in consequence from the civil court of Rome.[1] Poor devils! why should the commonwealth share in their bankruptcy? The fifth class is that of criminals pure and simple, Catiline's own. No prison could hold them, there are so many of them. Finally we come to the corrupt and decadent class, largely recruited from the depraved scions of the aristocracy,[2] in whose delineation Cicero largely gratifies his deep vein of scorn and satire, really the class to which, a little later on, a Clodius, a Curio, a Dolabella, an Antony belonged. They are the fashionable and the modish set, living in wild dissipation and ruinous luxury, in riotous immorality, in gambling and carousing, not shrinking on occasion from those crimes which accelerated the passing of estates, in short the veritable nursery of future Catilines. A sober comparison indeed (24–25) of the resources of the established government with Catiline's motley following, par-

[1] As to these cf. the letter of Manlius noted before, Sall. 33.

[2] Really the only class with which Sallust's monograph largely deals: on the fringe of this class were types like Catullus of Verona or Caelius of Campania.

ticularly in the impressive moral contrast presented, cannot leave any serious doubt as to the issue and the ultimate outcome of it all. Let those who have remained behind at Rome beware. Their every movement will be forestalled by the government which I am directing. The practical measures now being taken will prove adequate for every emergency. The orator concludes with a revelation of the deep ambition which carried him through that turbulent and seething year, viz. the firm resolution to preserve order and maintain the government with the application of forces mainly civil and with a policy dispensing with bloodshed and the alarums of war. His own resources and the pacific principles deeply ingrained in his own personality were to gain the victory over this threatening or potential revolution.

Some nineteen years later when Cicero was writing his *de Officiis* far away from the more immediate sphere of the quasi-autocrat, the consul Antony, he outlined the whole movement as one aiming at the cancellation of debtors' obligations: *in a word repudiation:* more clearly of course and more definitely in such a calm retrospect than he could estimate it all, while in the dust and heat of the struggle itself: numquam vehementius actum est quam me consule, ne solveretur; armis et castris temptata res est ab omni genere hominum et ordine, quibus ita restiti, ut hoc totum malum de republica tolleretur. de Off. 2. 84.

Meanwhile Cicero's wretched colleague Antonius, who seems largely to have effaced himself in this year, was entrusted with the operations south of the Apennines. Catiline had already opened warfare and jointly with his lieutenant Manlius had been declared a public enemy. Before the end of November, at the capital itself, by a curious irony of circumstances and political pressure, the consul Cicero saw himself constrained to defend L. Licinius Murena, one of the consuls elect.[1] It was political irony, I said: for Cicero actually had to beg the jury to overlook or ignore his own statute against electoral corruption. And in the course of his pleading the Arpinate found himself obliged to antagonize two men for whom then and always he entertained a vastly deeper regard than for the man whom he defended. These two men were Cato and Sulpicius.[2] The case somewhat resembled that of Autronius after the consular election of 66 for 65 B. C. Now the Jurist, a defeated candidate, accused Murena of corruption in getting the consular office. This in-

[1] Plut. Cat. Min. 21; Drumann 5, 477 thinks it was in the 2d half of November.

[2] on the great jurist Servius Sulpicius cf. *Digest* of Justinian 1, 2, 43.

dictment was signed by Marcus Cato also. Only a short time ago when facing the contingency of Catiline's electoral success, Cicero, as we say, made much more of the provisions of that penal statute, and now he defended a man indicted under the same. Even before the election of 63 the jurist had been industrious in gathering material, in order to be well equipped for the contingency of a prosecution. Cato (Plut. Cat. min. 21) had been chosen tribune somewhat before and so had uncommon opportunity to observe also the consular poll. As for this, he saw that it was purely a matter of purchase. It was the lofty morality and the deep consistency of the young Stoic which made him willing and anxious to support the prosecution brought by the non-bribing defeated candidate Sulpicius. To the simple and straightforward thinking such as a Cato pursued (who never permitted principle to wait upon expediency) it was a flagrant betrayal of elementary duty that the very author of the Lex Tullia de Ambitu should be even willing to shield a transgressor of the same statute with his prestige and with his eloquence. Cicero simply (3) should not do what was not right. Now the present biographer does not conceive it his chief function to try all of Cicero's cases once more,[1] nor even here to take sides either with the loftier morality of the younger man (whom our conscience cannot but admire) nor with the political expediency of his warm admirer, the philosophizing Arpinate, then the retiring consul. We desire mainly to follow the motives and circumstances of the latter with true and clear insight. Cicero looks upon his consular year as a voyager nearing port (4). It is of vast importance, that there shall not be one but two consuls in office on the Kalends of January 62. Catiline is now in the field. Now the patronus in Cicero was stronger here than the philosopher and the idealist. Therefore he undertook to mildly ridicule both the Stoic and the jurist, without going fully into the real charges at all. His skill is really spent in drawing the Jury away from the political crime charged. Nay he brought it about, that the jurors were unwilling, in spite of the uncommon prestige of the prosecutors, to pay any serious attention to the indictment proper at all. Catiline and the First of January [2] loomed

[1] Partitio in § 11: 1, Reprehensio vitae, 2. Contentio dignitatis, 3. Crimina ambitus.

[2] Even then (or at the time of final composition at least) the danger to Cicero from *Metellus Nepos*, Tribune designate was understood (81), hostile to Cicero, hostile to Cato.

up large and dark on the horizon of the near future. We marvel at the wonderful elasticity of the consul Cicero in the teeming multitude of cares and anxieties which had beset his path well nigh continuously from the Kalends of January to this time. Nothing can excel the drollery and quizzical humor with which he delineates his two friends of the prosecution. His argument whenever it does really assume a more serious face, is this, that public favor will, somehow, at the polls, prefer a military man to the learned man of the closet and of the clients' consultation chamber. "You (22) are awake before daybreak to give replies to your clients, he in order to arrive speedily with his army at his objective point; him the cock-crow rouses from slumber, thee, the blare of the trumpet; you set up an action, he draws up a line of battle, you are on your guard lest your client be taken in, he that cities and camps may not be taken; the one has the professional knowledge how the foe, the other how rainwater may be kept within bounds: he is trained in widening, you, in keeping straight, boundaries." The great aim of the orator is to present it as intrinsically improbable that the Electorate should have preferred the jurist as such to the military commander as such: There is nothing impressive in so pedantic a science (25): the topics are petty, turning almost on individual letters of the alphabet, and on the separation of clauses. Sulpicius had demanded that the votes be counted by absolute majority of the total without regard to the individual votes of tribes. We recall the remark of Quintus in his electoral monograph, viz. that there were a few centuries which were pleased to cast their ballots without pay. A few. An awful indictment of the decadent republic so called. There was no serious inquiry as to the relative worthiness of candidates; a great crisis or patriotic emergency might loom up, it was of no consequence on the Campus Martius. The ever hungry leech of the Forum must have its perquisites.

There are internal evidences (78 sqq.) which may be added to other considerations to make it likely that the defense of Murena (Halm, Drumann, Heitland, III, 98) occurred before the events of the Mulvian Bridge and before the Nones of December. "Listen, do listen to a consul, gentlemen of the Jury, I will say nothing arrogant, but so much I will say: listen to a consul who is thinking night and day of the state of public affairs." The danger from Catiline is felt as very positive and grave; whereas after the Nones of December the thing uppermost in Cicero's mind was the fear

of some retribution for the summary execution of Lentulus and his accomplices. Evidently the Lentulus part has not yet been brought out into the open (*ib.* 78) "*Intus, intus, inquam, est equus Troianus: a quo numquam me consule dormientes opprimemini.*" The conspirators had not yet descended out of the Wooden Horse.

## The Mulvian Bridge and the Nones of December

Catiline, as we have seen, at first had spread the rumor widely that he was going into exile, but after a while Q. Lutatius Catulus received from him a letter of a different tenor. In this he assumes the rôle of a social and political martyr (Sall. 35):

(1) He abandons the defense of the indictment by Aemilius Paullus.
(2) He considers himself deprived of the consulate through wrong and calumny.
(3) He therefore has adopted the cause of the wretched as their patron and avenger.
(4) As for his personal debts Orestilla, his wife, and her daughter stood ready to discharge all of his obligations.
(5) The consulate of Cicero outraged his feelings; as he desired to write further he heard that forces were being organized against himself, (viz. Metellus, Marcius Rex, Antonius).

Not one of the conspirators (we do not take Curius and Fulvia into account) had been induced by the reward of the senate to disclose anything, nor had any of the revolutionaries in the north laid down their arms. The mass of the poor at Rome wished success to the movement. They had nothing to lose. At least so they thought for the present. Sallust indeed thinks that all those who were of a different party than that of the senate, preferred that the government should be thrown into confusion rather than that they themselves should be weaker or of less account in the capital. I do not understand this very well. Had the equestrian class solidly taken any desire for a subversal? And did not Cicero in reviewing the very acme of the crisis, always pride himself on the "concordia ordinum"? Had Catiline won in the northern campaign (Sall. 39) or if it would even have proved a drawn battle, a great disaster would have overwhelmed the commonwealth. Cicero himself in fine, right in the dust and heat of contention, did not take a more grave, we may say a more tragic, view of the Catilinarian movement than did Sallust, some twenty years or more after the event. The enemies and detrac-

tors of the ambitious and industrious Arpinate [1] have to the uttermost ignored or at least belittled the merits and services of Cicero in this matter. It is not likely however that the anti-Ciceronian Tribune of 52, and later partisan and beneficiary of Caesar, should have exaggerated the entire movement and the portentous character of the crisis itself.

Now the departing Catiline's last instructions had provided a programme of action, which, while widely apart, still was to be concerted action. P. Lentulus Sura and Cornelius Cethegus had charge of the work mapped out for the capital. The former had been expelled from the senate in 70 B. C. on account of the grossness of his private life. He had now through office regained his senatorial rank. Probably the electoral expenditure had exhausted his resources. Trial too had cost him heavily, viz. to bribe a sufficient number of jurors.[2] He was devoted to Sibylline oracles. These said it was fated that three Cornelians were to be autocrats of Rome. Two thirds of the prophecy had been fulfilled in Cinna and Sulla. His own turn was now coming. Aid too was to be expected at least from one of the Tribunes. L. Bestia was to rouse the populace by an address on the Forum, and make Cicero personally responsible for Catiline's resorting to arms. The very next night each one of the leaders in Rome was to carry out his assigned task. Cethegus personally was to undertake the killing of Cicero. The beginning of the Saturnalia was chosen as a suitable time to begin, when the customs of that holiday season filled the entire city with noise and general license: when universal feasting and hospitality kept every door wide open.[3] According to Plutarch (18) Lentulus' programme provided for the slaying of all the senators, or, to be more exact, of those who stood with the government. The trial of Autronius, Sulla and many others later on must have put much evidence on record. The sons of Pompey were to be spared to serve as hostages later on, when a settlement with the returning Pompey would have to be made. These lads were to be carried away to the north. Arms and material for the work of arson were to be deposited in the house of Cethegus. One hundred lots were drawn and the city divided into as many precincts. Now it happened that certain envoys were in Rome, Kelts from the upper Rhone,

[1] Dio, Drumann, Mommsen, Teuffel, John, Schanz.

[2] Plut. Cic. 17.

[3] Excerpts from Diodorus, Fragm. Hist. Graec. Mueller, II vol. p. xxvi.

from the Isêre. Their folk at home had suffered severely from the old extortion of the Roman publicani whose interest rates in the provinces were not limited by any statute of the home government. Their mission [1] thus far had been futile; and their impulsive and impatient temperament was familiar to men of affairs. Of this circumstance the conspirators at Rome determined to avail themselves. They approached the Kelts through a certain freedman Umbrenus who had done business in the country of the Allobrogians, and through him solicited the cooperation of their tribe. If they crossed the Alps they might relieve Catiline's rear and draw Metellus Celer away by this diversion. After all, the universal burden of usurious debt lay on their backs too. They were brought into conference in the house of D. Brutus (by the Forum), whose wife, the lady Sempronia, was deeply engaged in the plots of Lentulus and Catiline. Brutus was away. He was no accomplice. The Gauls withdrew, but communicated with Q. Fabius Sanga, their attorney or advocate at the seat of the government. By this act the Kelts had already determined the failure of the whole plot. Sanga conferred with the consul. Cicero was alive to the rare opportunity to secure that which for many weary months he had failed to secure, viz. a body of evidence which would be strong enough to convict. For as an expert *patronus* he was eager to win this great case, greatest of his career, in which not some individual, or community or even province, but the constitution itself, and the commonwealth and the empire, were, in a very definite way, his clients. Sanga was instructed by the consul in turn. He was to advise the two envoys to draw out the plotters at Rome more and more and apparently to compromise themselves. Thus the Kelts (Sall. 44) demanded a sworn promise in writing to convey to their people in Gaul. Each one of the leaders in Rome drew up and gave them such a document. Cassius alone seems to have distrusted them. It was agreed that they also were to confer with Catiline on their way home. They were to be conducted by a certain Volturcius of Croton. The latter received from Lentulus [2] a short letter for Catiline without any signature. In this laconic missive Lentulus appealed to Catiline to use slaves too in organizing his forces: with the oral commission not to shrink from that step inasmuch as the senate had declared

[1] Plut. 18 has the specific item that there were *two* envoys.

[2] Cic. Cat. 3, 12. Sall. 44.

him a public enemy. On the night of December 2–3 the Gauls left Rome by the Flaminian way. About $1\frac{1}{2}$ English miles north from Rome is the Mulvian bridge. Cicero had entrusted two praetors, Pomptinus and Flaccus, with the task of arresting the envoys there and securing the incriminating documents. Volturcius alone was not in the secret and so the arrest was easily accomplished. Who could measure the billows of deep emotion now surging in Cicero's bosom?[1] At last! He summoned to his mansion in the Carinae the leaders, Lentulus, Cethegus, Statilius, Gabinius. Ceparius of Terracina was on the point of setting out for Apulia to stir up the slaves there. He was apprized of the seizure and had just time to escape. Cicero personally conducted Lentulus, because he was praetor, to the temple of Concord, to which he at once summoned the senate: the others were escorted by armed men. The session of the senate which ensued was really a judicial enquiry, comparable to that of a Grand Jury in the United States. This important transaction consumed nearly all of December 3rd. As the day passed into twilight, the session was closed, and Cicero, leaving the temple, made a report to the waiting populace. This is the Third Catilinarian speech. This discourse mirrors the triumphant consciousness which then filled the soul of the chief magistrate. His fondness for large views coupled with his intense and passionate craving for renown is here at once revealed. Even then he compares himself with Romulus. Then the commonwealth was but a puling infant, with all the vicissitudes of growth and life in the lap of Time; but now he the consul had saved the full-grown commonwealth from extinction. Which was greater? To gain proofs which would satisfy even the incredulous and the unfriendly, had been since Catiline's departure, his supreme and constant concern. The soliciting of the Keltic envoys had given him that opportunity. The detail of the events is given with a freshness and a directness, which of course we cannot get from Sallust or from Plutarch; e. g. in what order the conspirators came to his residence on the morning of Dec. 3rd; they were not summoned together, but one after another (6); the time elapsing after the summons was longest in the case of Lentulus. At once the chief magistrate conferred with eminent political friends. These suggested that the documents be examined first. But Cicero, resolved from the beginning to identify the great Council with his

[1] Sall. 46 deals with Cicero's feelings.

own action, refused to touch a document or to read a line himself. As the senate met, the praetor C. Sulpicius was commissioned to investigate the reputed magazine of arms [1] in the house of Cethegus. This at the suggestion of the Gallic envoys. These arms were brought away as proofs. Volturcius was granted immunity as state's evidence. The oral commission from Lentulus for Catiline suggested that the latter with his forces come within easy distance of Rome, so that after the execution of their plans in the city, Lentulus and his followers might join with Catiline. Volturcius then withdrew and the two envoys were heard by themselves.[2] The fateful trust of Lentulus in the Sibylline sayings and in the expert wisdom of the haruspices was related by the two Allobrogians in this examination. The Etruscan mantic experts particularly based their decimal computations on two things, viz. on the fact that it was now twenty years after the great conflagration on the capital (in 83 during Sulla's civil war) and ten years after the acquittal of the Vestal Virgins (where Terentia's half sister Fabia had been involved, in 73). Then the chief conspirators severally acknowledged the authorship of the incriminating documents, one at a time, Cethegus, Statilius, Lentulus. The latter alone attempted a cross examination of the Gauls (11). Cicero emphasizes the power of conscience, and that his characteristic assurance failed Lentulus [3] in this emergency. Gabinius came last. The furtive glances of the four and their outward bearings were related. An official minute of every statement was recorded (*edere*) on the spot. There was rare unanimity in the voting of the senate on that day. Cicero was honored in a formal record as never before; Antonius was commended for separating himself from the movement; Lentulus by vote was compelled to resign his office, and all the four were to be kept in arrest. Decrees of arrest were also voted for others not yet seized, such as Cassius, Ceparius, Furius Chilo and Umbrenus, who had been active in soliciting the Allobrogian envoys. Nine culprits in all, no more.

[1] Plut. 19 has this specific detail, that the poniards were all *newly sharpened* (*νεοθήκτους*).

[2] Sall. 44 agrees with Cic. Cat. 3, 9 about the sworn assurances separately given by the four. But Cicero says nothing of the fact that this had been demanded by the envoy *at his own suggestion.*

[3] This trait is illustrated by Plutarch by means of two anecdotes which Tiro may have heard from Cicero himself, upon special enquiry, substantially as exegesis on Cic. Cat. 3, 11.

In Cicero's honor there was voted a thanksgiving to the immortal gods (15), because he had freed Rome from destruction by fire, the citizens from slaughter, Italy from war. The danger from Catiline therefore, to the official vision of things, seemed to be over. Not for slaughtering enemies on the field, but for preserving the citizens at home, had such an honor been voted unanimously by the Fathers, the first time in the history of the commonwealth. (Phil. 14, 24.) And why may we not deem such a bloodless victory an adequate cause for Cicero's enduring satisfaction? Much, far too much, has been made by some critics, like John, of Cicero's lateness, in actually composing, or giving a literary form, to this one, as indeed to all four of the so-called Catilinarian discourses. But how could he publish anything which was not in perfect accord with the official record taken in that session on the spot? And for the official minutes of this examination he had taken extraordinary care. Cicero himself designated certain members of the senate to make the official record, the best qualified members of the senate he then knew:[1] C. Cosconius, the praetor, M. Mesalla, then candidate for the praetorship, the scholar and antiquarian Nigidius Figulus, and Appius Claudius, bearer of a most aristocratic name. These minutes became part and parcel of the archives of Rome. "But still," Cicero goes on, "I did not hide them, I did not keep them at home, but I immediately ordered that they be copied by the scriveners, be sent in all directions and spread abroad and laid before the Roman people." The record in fact was sent to all the provinces. Whatever one might say then or may say now, to impugn his motives, he was convinced that a full and precise presentation of the facts and acts would provide their own justification. Every fair-minded man was to be convinced that the guilt of the conspirators was manifest and overwhelming. The removal of Catiline only made possible the bungling mismanagement at Rome by his accomplices (§ 17). Certain prodigia which occurred two years before, had been atoned for or attended to in accordance with the expert opinion of the professional haruspices. Since 65 B. C. Rome had been in danger from Catiline. Cicero always included Jan. 1st, 65 as the initial point of the Catilinarian trouble and movement, and now on the very 3rd of December, one of the specific things prescribed by the Etruscan experts was carried out: a statue of Jupiter to replace

[1] Pro Sull. 42.

the former one, and to face towards the East and the Forum, was definitely placed in position. What an omen for the Roman spirit! When Cicero (§ 21) goes on to express his warm conviction that a special providence had here been active, he was really not merely exuberant and rhetorical.[1] As time went on, he settled quite definitely into such a semireligious view of his preservation of Rome, ascribing more of it to the gods than to himself. Reviewing the periods of fanatical triumph and civil bloodshed (24), of Sulla against Sulpicius, in 88; of Marius' return from exile, 87–86; of Sulla's restoration, 82–81; of the rising of Lepidus in 78, Cicero was amply justified in comparing his own almost peaceful suppression of revolution and disorder. His own aim was a positive, a constructive one: the restoration of order, concord, peace, good-will. A new Laelius and Scipio Aemilianus in the foreground of the political present: Cicero the first one, Pompey the other (26), the one extending the empire to the uttermost regions of the East, and the other meanwhile preserving the capital of that empire. Another thing, and one less grandiose, did he realize deeply, at least when he prepared this discourse for publication: quite certainly so after the Nones of December; it was this: He had to live with and among those whom he had defeated and discomfited in this civic campaign. The commonwealth henceforth owed him shelter and support. Much psychological truth was in one of his final declarations (28): "I have a spirit, my fellow citizens, which not only will not yield to anyone's effrontery but also will challenge all wicked men always, of my own resolution." Here we observe for once the characteristic alternation in Cicero of apprehension and defiant pride. He then predicted his own further career. Clodius and Antony were then still in the lap of the Future, the one repaying the challenge with exile, and the other, with death. That night, December 3–4, Cicero did not go up to his own mansion. He was then consul, and in his own house, under the general administration of his wife Terentia and of the Vestal Virgins, there was held, that night,[2] the annual rite, for the state, in honor of the Bona Dea (Propagation). Now even in December 65, a prodigium had happened to Cicero's own wife at that ritual

[1] In the earlier half of 61 B. C. (Att. 1, 16, 6): Reipublicae statum illum quem *tu meo consilio, ego divino confirmatum* putabam.

[2] Plut. 19, probably from Tiro: The great ultimate source was the poem of Cicero himself.

anniversary. The sacrifice had been made. Terentia poured a libation upon the ashes, when from the very ashes a flame shot up, a sign to her that her husband would be consul in the course of a year. Such data Cicero put into his (later Latin) poem: "About his own Consulate," [1] on this occasion too (in the night of December 3–4, 63 B. C.), when the fire "seemed to have gone to sleep," a great flame shot up and the Vestal Virgins (of whom probably on that occasion Fabia, Terentia's half sister, was one) bade the hostess at once to go to her husband with all haste and urge him to act vigorously in executing his resolution, inasmuch as the Bona Dea had for the second time already, given a great light to him bearing on his welfare and his fame. *We* may ignore all this, but it was Roman to the core, and Cicero recorded it all afterwards in his own poem. It was to him, at that particular juncture, a mighty incentive to be resolute. For he was deeply engrossed and perplexed as to the treatment to be dealt out to the prisoners of state. Cicero then was no doubt filled with a certain vigor: he was extremely liable either to be elated or depressed by incidents drifting across the path of action. He [2] at once ordered the praetors to enroll citizens with the military oath for the defense of the city. Atticus too then served in this National Guard. On Dec. 4th, a certain Tarquinius offered to give certain information to the senate, if immunity were granted to him. He then made statements implicating Crassus. But Crassus personally called, perhaps at that time had already called, on the consul, by night,[3] probably some considerable time before, bearing a letter, setting forth matters concerning Catiline, to wit, that Catiline was now engaged in settling his conspiracy. How long before? This incident too Cicero related in his own poem. Cicero certainly had reasons, as we well know, for distrusting Crassus. There was no affection nor trust between them. On December 4th however the senate refused to believe the informer and voted to keep him under arrest until he disclosed who set him on. At this time too probably Caesar's political enemies did their best or worst to implicate him, especially Piso and Catulus, the latter still smarting from his defeat in the election for the Chief Pontificate: if Sallust (49) is correctly informed, they even offered money to Cicero. If these

[1] Servius on Vergil Ecl. 8, 105.
[2] Dio 37, 35.
[3] Plut. Crass. 13.

two, Crassus and Caesar, the most powerful politicians then in the capital, could have been identified with the conspirators, it would not merely have been inexpedient, but perhaps even impossible to deal summarily with Lentulus and the others. Cicero for once was diplomatic; he chose Caesar as well as Crassus each to keep one of the Catilinarians in private arrest (Sall. 47). Rewards were voted in this session of December 4th both to the two Allobrogians as well as to Volturcius.

The fifth of December for Cicero was a day of momentous importance. It was he who then presided in a session, where the penalty to be inflicted on the culprits was to be determined. But why not merely hold them for a regular trial? The soliciting of the Gauls alone would probably have furnished adequate material for a trial of High Treason (*maiestas*); why not let purely constitutional and regular proceeding prevail? Cicero first gave the floor to Silanus, one of the consuls elect, for in a few days he and his colleague were to be at the head of the government. Silanus moved that the regular punishment be inflicted on the conspirators. Silanus did not use the word death, but none the less it was so understood by all, particularly by the presiding consul in his review (4, 7). Other members also of the incoming government on that day were given a certain precedence in debate. Thus Caesar too, then praetor elect, was called upon by Cicero much earlier than would have been the case in normal times. While all preceding speakers had simply expressed their approval of Silanus' motion, Caesar (Sall. 51, 43) after a shrewd and political discourse moved for a different punishment. Each of the culprits was to be the prisoner, for life, of a different municipium to be chosen by Cicero: each town to be subject to severe penalties if its prisoner escaped. The estates of the culprits were to be confiscated. All efforts to bring them relief, either in the senate or before the people, were to be illegal. The constitutional view then prevailing was probably this, that the senate was then proceeding under the S. C. Ultimum passed on October 21st, let us say under martial law. And it cannot be misunderstood, I believe, that even Caesar himself, specially conspicuous then as head of the *popular* party (Cat 4, 9), held so, although in this very year, in the Rabirius case, he had endeavored to break down the constitutional validity of the S. C. Ultimum. Let us consider one moment: did Caesar move for a regular trial, whether for *maiestas* or *perduellio*, under the statutes (of Sulla)

then in force? did he move for any trial at all? Did he seriously question the constitutional right of the senate? Did he speak of an appeal? Not at all. Even eighteen years later, in the time of Caesar's dictatorship, in 45 B. C. (Att. 12, 21, 1), Cicero viewed Caesar's motion as stern and severe. In the course of that day, a day not less fateful to Cicero himself than to the prisoners of state, the consul himself joined the debate, for the influence of Caesar's politic motion had been immediate.[1] Silanus himself abandoned his original motion, at some point in that session, probably after Cicero's appeal, or rather, if we follow the careful Suetonius (Caes. 14) and Plutarch (Cic. 21), he softened his motion, he hedged, by interpreting it as meaning simply the gaol. However that may be, it was distinctly to stem the tide started by Caesar, that the consul interposed. This is the "Fourth Catilinarian." The sky above that discourse is overcast and the political horizon is dark. Caesar's motion is aptly called a hostage to pledge his political loyalty (9). Many a senator is absent, fearing to go on record in this crisis. Cicero's citation of the death of Gaius Gracchus was quite inconclusive as to the constitution and the laws. Can there be such a thing as an excess of cruelty in dealing with Lentulus and his accomplices? Cicero once more presents the project itself and its uttermost possibilities in lurid colors: no horror is left unspoken. The orator drew all the stops of his organ. On that day Cicero separated himself forever from the *populares* (whose declared partisan he really never had been), when he pronounced that Cornelia's noble sons had been justly slain. No fear that the consul lacks the material power to execute any mandate of the senate. He prides himself on the consolidation of the classes representing order and property, the equestrian body and the senators. (It had not been so with the crises connected with the names of Livius Drusus, Marius, Sulla, Lepidus.) It is so now, and no civil war will be possible, as long as that harmony shall endure (15). The unanimity of public opinion as to summary and extreme penalties (19) was really more of an aspiration of the deeply anxious chief magistrate, than a statement of a clearly ascertained fact. About one thing however he had no illusions: everyone who had been an accomplice of, or a sympathizer with, the conspiracy, would henceforward (20) entertain for Cicero a kind of personal hatred and resentment. Of one thing more he was sure and deeply

[1] ἀκρατῶς οἱ πολλοὶ μετετίθεντο App. 2, 6.

convinced. He would never regret the stern action imposed. He would never cease to consider it wholesome and glorious. As a matter of fact he never did; nay he wearied his friends and the centuries since with the unending echoes of the Nones of December. He compared himself to Pompey, whose tremendous conceit even surpassed the vanity of the brilliant Arpinate.

The train of thought resembles closely the discourse of two days before, naturally so. His deepest feeling, his strongest convictions, his outlook upon the present and the future, were in so narrow a compass of time, with so dominant and absorbing a concern, essentially one and the same. His forensic habits, the strongest in his life, probably led him to deliver, or to write into the peroration of that discourse, an appeal to pity, to commend his little son to his fellow citizens, if ever the power of the wicked were to drive him into exile. We know that it did. The very Nones of December of his own consulate proved to be the initial link of an endless chain of disappointment, vexation, care, sorrow and every form of misery.

Cato's fearless and fiery appeal swayed the wavering senate back from their strong inclination to follow Caesar. The majority voted for death to be promptly inflicted. But on Cicero lay the execution of that extra-constitutional verdict. It was he who bore the consequences. Much as he, in all his reminiscences and reviews made of himself merely a partner of the senate, his own generation certainly made him personally responsible. Is it not then historically fair also to permit him, if there be any glory in the Nones of December, to reap that glory? Before the session closed (these were of the shortest days of the year), Caesar successfully insisted on cancelling confiscation. This at first was strongly opposed. Even the appeal to the Tribunes [1] on that December day was for once futile, even when coming from the very leader of the *populares*. So strong was the conservative tide then. Cicero in person yielded to Caesar's amendment, to spare the families at least of the doomed men. The majority (Vell. 2, 35) of the senate escorted Cato, the Tribune elect, to his house. Cicero went to his own and conducted the wretched Lentulus down from the Carinae in person. Into the lower vault of the public prison, in the so-called Tullianum, Lentulus was let down and there strangled to death by the public executioners. This too was the fate of Cethegus, Statilius and

[1] Recorded in Plut. 21 alone.

Gabinius in their turn. The crowds on the Forum were hushed in terror. "And when he saw many (members) of the conspiracy still standing together on the Forum in compact groups and ignorant of the deed (ἀγνοοῦντας τὴν πρᾶξιν) and awaiting the night, with the idea that the men were still living and could be saved by force, he called out to them with a ringing voice, "They have lived."

This item in Plutarch again, standing alone, but full of excellent matter, points as often to Tiro's account. It is a valuable relation. Appian, 2, 6, is much more summary. When Appian says: "Cicero looked on while they were dying," that is hardly true. Appian continually works up these pointed and piquant elements of narrative. Cf. Eduard Schwartz in Hermes, 1897.

Cicero's generation, as intimated before, became somewhat weary of these Nones. Even his friends in time found the theme somewhat tedious. His enemies in turn were unwearied later on in pointing to, and quoting from, his autobiographical glorification, where Cicero, following the strongest impulse and the most constant aim of his life-long ambition, elevated himself among, nay, beyond the great captains who had expanded the empire on many a battlefield of the Mediterranean world. It was the sweetest, though indeed also the most portentous, evening of his restless and feverishly industrious life: "It was now evening [1] and he was crossing the Forum to go up to his house, no longer amid the silence of the citizens" (as before), nor with a file of escort attending him in serried ranks (τάξει) but they were receiving him with acclamations and clapping of hands as he passed them, and hailed him as savior and founder of the state: lights in abundance were illuminating the lanes as they were placing lamps and torches at their doors held out (προύφαινον),[2] (what? their children?) to honor and see the man as he ascended with much solemnity, attended by the best men of Rome. Of these the most had won great campaigns and had entered the city in triumphal chariots and had added not a little of land and sea (to the empire). And now they walked on foot, admitting to one another, that to many leaders and commanders the Roman people owed thanks on ac-

[1] For Plutarch 22 we may confidently substitute *Tiro*. If Cicero told his secretary about some minor detail of Caesar's consular procedure, what an account must he have given of the proudest incident of his life! Or is it from Cicero's poem directly?

[2] Perhaps τὰ παιδία has been lost from the text.

count of wealth and booty and power, but for their security and salvation to Cicero alone, when he had removed from out of them a danger so long prevailing and so great. It was not that he had checked what was being done, that seemed wonderful, but that he had extinguished the greatest rising ever attempted, with the smallest instrumentality of trouble, without riot or disturbance." Was Terentia satisfied?

Many forsook the standards of Catiline, when they heard of the Nones of December and the end of Lentulus and the others. Five days after these events, i. e. on December 10th, the new Tribunes began their year of office. Even then drops of wormwood began to fall into Cicero's cup. One of the new tribunes was Metellus Nepos, brother of the same Metellus Celer who now was in command in the North, beyond the Apennines. Among the outgoing tribunes was Bestia. His attitude towards the executed Catilinarians was almost that of a mourner. We begin to see that *Contio* and Forum on the one hand, and the Curia on the other, were well-nigh different worlds, although they were so close together. Now Cicero very earnestly desired to deliver a great farewell speech in passing out of his consulate and the civil year. For already he saw himself constrained to defend his policy and defend his Nones of December. Metellus even covered the Rostra with benches, so as to prevent Cicero from standing there. The people's magistrate merely granted him that he might make a sworn statement, when all was silent once more. Cicero took not the traditional oath of outgoing Consuls, but a personal "and a novel one," viz. that he had verily saved the state and conserved the empire.[1] He said this with a loud voice, as was of course necessary in that place and on such an occasion. The populace approved the oath [2] with no less loud an acclamation, why not? Their modest habitations still stood. The magnetism of the magnificent orator was irresistible then, though the words were few: they certainly were solemn and impressive.

I may be permitted to call attention once more to the fact that Cicero rated the Catilinarian matter and danger as beginning, not after Catiline's defeat in 63, but really on January 1st, 65, and that his own year was merely the bursting of the ulcer. Cf. these lines from Cicero's Latin poem, de Div. 1, 17–22: "Nunc ea, Torquato quae quondam et consule Cotta Lydius ediderat Tyrrhenae gentis haruspex, omnia fixa tuus glomerans determinat annus."

[1] Fam. 5, 2, P 7.

[2] In Pisonem 6, lut. 33.

*Glomerans:* like a ball moving, or like a force which gathers something into a heap or compact mass, completing its bulk in so doing. We are apt to overlook the immediate effectiveness of all of Cicero's prose publications, as compared with the published speeches of others. Cicero passed almost immediately into that most tenacious form of preservation, the schoolroom: cf. Quint Fr. 3, 1, 11, "miror tibi placere me ad eam rescribere, praesertim cum illam nemo lecturus sit, si ego nihil rescripsero, meam in illum pueri omnes tamquam dictata perdiscant." To this add Tuscul. 4. 55: "quid? cum iam rebus transactis et praeteritis orationes scribimus, num irati scribimus?" We can only marvel what the extempore work of Cicero must have been, when his later literary reproduction is still throbbing with passion.

A note on Sallust: I think it is a narrow conception to take the literary Sallust merely as a Caesarean as before, who devotes his pen to the same sectarian concern. I believe that Sallust had emancipated himself from his own past in a remarkable degree. To illustrate: In Cat. 38, the historian in a sweeping manner censures and condemns the ambitious Tribunes who came forward after the year 70 B. C. In this general indictment he actually branded the very tools of Caesar's anti-conservative politics; he delineates them all with a searching judgment which Cicero himself might have written: "postquam Cn. Pompeio et M. Crasso consulibus tribunicia potestas restituta est, homines adulescentes, summam potestalem nacti, quibus aetas animusque ferox erat, coepere senatum criminando plebem exagitare, dein largiundo atque pollicitando magis incendere: ita ipsi clari potentesque fieri." Here collectively are portrayed Gabinius, Manilius, Rullus, Labienus, Hirrus, Vatinius, Curio, Trebonius, Antonius, and others.

As for Dio Cassius: I agree with Schwartz that in the main Dio utilized Livy, but not evenly; he omits or protracts according to his taste or interest. We may trace some of his dependency in the notation of the prodigia at the beginning of important years; in the Ciceronian year Cicero's poem was itself utilized: e. g. the report that at Pompeii a citizen was struck by lightning when there was a cloudless sky, and other prodigia, now preserved in Cic. de Div. 1, 17–22. And Cicero was really not nearly as much emancipated from these deeply ingrained habits and transmitted beliefs of the Roman spirit as his modern critics naturally are. The verse of Cicero may be profitably compared with passages in the Third Catilinarian, which was written first. The melting of the bronze figures of Romulus, Remus and the she-wolf is set down for 65 (also by Obsequens, p. 133, Jahn), the latter's entire relation ending thus: "Ab his prodigiis Catilinae nefaria conspiratio coepta." As Obsequens drew his own matter from Livy, it is clear that the latter transcribed from Cicero's hexameters quite closely. Dio Cassius has some of this, 37, 9; of course he does not apply it in *Ciceronis maiorem gloriam.* Cf. in Cic. Div. 1, 21, also:

Haec tardata diu species multumque morata
Consule te tandem celsa est in sede locata
Atque una fixa ac signati temporis hora
Juppiter excelsa clarabat sceptra columna
Et cladis patriae flamma ferroque parata
Vocibus Allobrogum patribus populoque petebat.

John utterly rejects all this. But Cicero had also some other motives to pursue the practical and real course of events: he desired to make a governmental success. Did he not have some reasons to fear and distrust Catiline from Jan 1st, 65 on?

Even in 45 B. C. Brutus, wishing to glorify his uncle Cato at the cost of all others, had his presentation of the Nones of December corrected, or questioned by Cicero himself. Att. 12, 21. The presentation in Plut. Cat. Min. 22 may be compared. In that Vita 23 we also learn that Cicero gathered some of the best scriveners obtainable and placed them in the hall, to take down Cato's discourse. The later historians curiously misunderstood some of the motions. Plut. Cic. 21 thought there was a time limit for the imprisonment of the culprits. Appian, 2, 6, reports Nero's motion, "to arrest them until they had driven Catiline out (of Italy) by war," and Appian relates Caesar's motion quite inaccurately: the culprits should be kept in prison, until Catiline were defeated in war: then they should be brought into court. What Tiberius Nero felt and deplored was this: the house was driven or badgered into hasty action under the sense of a great emergency. The matter (Sall. 50, 4) should be adjourned to a time when the house was duly protected or guarded with proper bodies of armed men, which now was not the case. Notice the extreme looseness of Dio in questions of sequence and coherence: Dio is incredibly reckless, puts the pontifical election after the Nones of December, and makes Caesar expect a good vote for himself because he had not voted for the death of Lentulus. Dio, 37, 37.

## CHAPTER THIRTEEN

*ANXIOUS YEARS*

### 62 B. C.

On January 1st, 62 B. C., Murena and Silanus were inducted on the Capitol. The surviving Catiline in the North, the legality of the recent executions in the Tullianum: these matters still engaged public opinion in Rome. The impending return of Pompey too loomed up more and more as time went by. In fact the question everywhere was what he would do, what attitude he would assume in home politics, from which he had been so long and so far removed. With the Tribune Metellus Nepos the consular dealt sharply. Cicero attempted to head off the new Tribune;[1] even before Dec. 10th, 63, it seems, the man of affairs had attempted to bring some pressure to bear through ladies of high rank. These were Clodia (Claudia), the wife of Metellus Celer, then in the north, and Mucia, half sister of these Metelli and consort of the distant Pompey. Nepos had been a legate of Pompey in the pirate war and afterwards in Asia. What moved Nepos? He certainly left Pompey's headquarters to engage in the political game in Rome. Was it that Pompey lacked servitors there? Cicero above all was deeply concerned with one thing: the world should not think that his dealing with the great conspiracy was due to a mere juncture of circumstances, that it was a mere momentary flash or passing impulse; not mere luck or chance had favored him, but the policy of his administration had been one of settled conviction. His later discourse against Nepos he published and thereby enraged Metellus Celer in the North, the brother of Nepos, either by the speech itself or by the publication.[2] The great families of Rome still had the consciousness of a certain solidarity. The aristocracy of Rome still persisted in seeing in Cicero a political *parvenu* and resented his freedom of political discussion. Nepos' arrival from the East and his Tribunate had seemed some-

[1] Fam. 5, 2, 4.

[2] It was entitled: contra contionem Metelli.

thing sudden.[1] Did Nepos really expect to serve his principal in the East by troubling Cicero? Nepos gathered turbulent popular assemblies repeatedly. To these he presented a bill (Plut. Cat. Min. 26) that Pompey should speedily be summoned to come to Italy with his army and save the city from the danger of an attack from Catiline. But there was no danger whatever from that quarter. Was that really his private mandate from Pompey? Cato opposed the measure with all that energy of his deeper political conviction, with which he opposed all extraordinary grants of power to individuals. Pompey, and a subversal of the current powers: this seemed to be the meaning. Caesar, then a praetor, in the most ostentatious manner possible, supported the sudden measure. The aim of Caesar's tortuous policy was to appear as Pompey's earnest supporter and at the same time to widen the breach between the chronic campaigner and the Great Council as much as possible. It seemed to mean civil war or an invitation to civil war. For the present the arch-politician and Pompey's servitor were compelled to abandon all these things. Meanwhile Cato had come rapidly to the front as a fearless defender of the constitution. Thus too Cicero,[2] somehow, had gained a political friend, who mightily impressed the mobile and idealizing man of letters, and to the finer and stiller voice of Cicero's political conscience the voice and attitude of the consistent Stoic meant more than majorities or than legions. Meanwhile the danger from Catiline and his northern legions came to an end. He had abandoned his base on the dominant crests of Fiesole and moved to Pistoria, where one enters the passes leading over the Apennine towards Bononia. The miserable Antonius was conveniently indisposed and left the conduct of operations to Petreius. On that winter's field fell Catiline, fighting with desperate valor, a peculiar product and type of that decadence and disintegration which affected the state and society equally. It was probably in January.

It was about this time that Cicero determined to reestablish or strengthen his good relations with the great Captain. Catiline's head had been sent to Rome.[3] After this consummation, Cicero's unpopularity with the *populares*, the intrigues of Caesar and Crassus, might well be forgotten: the victory was won and

[1] Cic. cited by Quintil. 9, 3, 43: hoc ipsum quam novum! tribunus plebis venit ex Asia; *Plut.* Cat. Min. 26: *εἰς τὴν δημαρχίαν ἐμπεσών.*

[2] Plut. Cic. 23.

[3] Val. Max. 2, 8, 7.

the Nones of December seemed to have their full fruition. It was no ordinary missive which Cicero sent to the mighty captain returning from the conquered East. In form a letter: Asconius calls it a full scroll. This political memorandum dealt with "his consular achievements." [1] It was not very diplomatic either in form or in spirit; Asconius thought it made the impression at least of being composed with considerable arrogance (insolentius). Cicero certainly succeeded in wounding the self-esteem of Pompey in a lasting way, Asconius thinks. If Cicero had sent this political and autobiographical treatise strictly as a private communication, both the composition and the sending of it would have been unwise. But he gave it out at once. (Sull 67.) There too he named Jan. 1st, 65 B. C. as the initial point of that madness which came to a head in his own administration, from the time when Catiline and Piso plotted to destroy the senate: really a period of three years of continuous plotting and unrest (Mur. 81). In the letter Cicero alluded to "your old enemies, your new friends," [2] who, in consequence of certain recent dispatches from the conqueror were utterly prostrate. What dispatches were these? Probably those which announced peace as close at hand. Cicero was unable to suppress his disappointment at the fact that the conqueror of the East took so slight a notice of Cicero, gave so small an expression to his personal loyalty and good-will. If Pompey made little return for Cicero's services (of 66 B. C.), the orator was well content with the consciousness that the balance of obligation was in his own favor. His *amour propre* drove him openly to say that he missed some due recognition of his own Catilinarian achievements. You may ignore these achievements, but they are known to, and approved by, the world. I suppose your passing over this matter was due to diplomatic caution. Even then he compared Pompey with Scipio Aemilianus, himself with Laelius. So the Arpinate mitigated an expression of his resentment with flattery. He was not content to let his fame grow, he insisted on reaping it at once, and in every field whatsoever. — When Catiline's death and this political missive were fairly recent events, a general investigation of the entire sphere of Catilinarians and Catilinizing was undertaken by the administration of Silanus and Murena. These new trials were strictly constitutional and were conducted under the Lex

[1] De rebus suis in consulatu gestis. Schol. Bob. 270–71. Suringar 644.

[2] Fam. 5, 7. Was it Crassus? Hardly Caesar, of whom Tyrrell thinks.

Plautia *de Vi.* Among those who thus had been found guilty had been Vargunteius, two other Sullas, M. Laeca (a son of the notorious one) and especially Autronius.[1] The government now had the service of informers who came out into the open so that the rules of evidence could be applied. Prominent in this class of public characters was Vettius, a former friend and accomplice of Catiline, but now enjoying immunity as state's evidence. Cicero had refused to defend Autronius, but he appeared for the latter's former colleague P. Cornelius Sulla, conjointly with Hortensius,[2] and gained a verdict of acquittal. The chief prosecutor was Torquatus, a son of the consul of 65 B. C. In this speech we begin to find that heavy personal element more and more coming to the front in Cicero's published oratory. Cicero spoke almost more about himself than about his client. Young Torquatus had called him the "Autocrat of Courts," had made his fling at the consular's rustic nativity and had charged him with gross inconsistency of action. Cicero urged for his client that in all the secret investigations of the past year, and in the recorded testimony of December 3rd, Sulla's name had never appeared. He had rather sought privacy at Neapolis, whereas his former colleague Autronius had deeply engaged himself with Catiline. It was foolish on the part of the young prosecutor to call Cicero an "Autocrat," "third king from alien parts," to be named after Numa and Tarquinius Priscus. An alien indeed, no genuine Roman, you say: very well. From Arpinum then, whence came Marius, and whence (23) for a second time already salvation has come to the capital and the empire. "It is not possible, that every one should be of patrician birth: there are those who are not even concerned on that score." Cicero declared himself as in a measure through with public life, at least with office: henceforth (26) he desired chiefly *honorable leisure*, or a distinguished public position, (i. e. of assured civic respect), coupled with a peaceful private life, — not however an easy or a simple matter. For the Forum was still swarming with men whom he had repelled from the throats of Romans, but he had not removed them from his own. In fact in the deep and wide enmity which Cicero had brought upon himself through his consular administration, there

[1] The looseness and hurry of Froude were so great, that he actually included Autronius among those who were strangled in the Tullianum. But his style is fine.

[2] cf. Tyrrell on Att. 2, 24, 2. Lange 3, 258.

was a curious blending of political and social hatred. The distinction of these two forms, we may be permitted to observe, is more theoretical than actual. Before leaving the case however we may transcribe a *passus* which fairly and forcibly exhibits Cicero's prevailing consciousness and attitude toward the times in which he lived (26): "Let them keep their honors, their commands, their provinces, their triumphs,[1] their further emblems of brilliant renown; as for me, let me be permitted to enjoy the sight of that city which I have preserved, with a calmed and an unruffled spirit. But suppose that I do not demand this? If the old-time industry of mine, if my anxiety, my discharge of current duties, my hard tasks, my midnight oil, are devoted to my friends, are accessible to the general public; if neither friends on the Forum miss my zeal, nor the government in the senate-house, if not only no retirement earned by my administration [2] but neither the excuse due to high office nor to age, recalls me from toil, if my aim of life, my application, my interest, my ears are accessible to all, if not even any moiety of time is left me to review and reflect about what I have done for the salvation of all, is this still to be called dynastic sway, a vice-regent in which cannot be found at all? " — The advocate and the author there spoke once more. For it was these two elements of life and achievement, on which the less genuine character of statesmen and public character, in the stress of the times, had been reared. Sulla, as we have said above, was acquitted. For this defense however Cicero had also certain private and personal motives. The orator had recently purchased a new residence. This mansion was situated on what was then the Fifth Avenue or Belgravia of Rome, i. e. on the Palatine. He bought it from the richest man in Rome and from the largest holder of ground and buildings in the capital, viz. from M. Licinius Crassus, with whom his political relations on the whole had been strained and unfriendly. Gellius (12, 12, 1) relates, that when Cicero wished to buy a house on the Palatine and had not the ready money, he, without having anything said about it, accepted a loan of two million sesterces from P. Sulla, who then was under indictment. This matter however was given out and spread abroad before he could effect the purchase or consummate it, and he was charged with accepting money from

[1] Though later on in the expiring year 50 he was set to get his triumph for his victory over the predatory tribes of the Amanus range.

[2] Rerum gestarum vacatio.

a defendant for the sake of buying a house. Then Cicero, nettled by the unexpected censure, denied the acceptance of the money, and "what is more," said he, "I shall admit the truth, viz. of having received the money, if I shall buy the house." But when, afterwards (i. e. after the acquittal of Sulla) he had bought it, and he was charged with this untruth by his private enemies in the senate, he laughed heartily, and while laughing said, "You are folk without common sense: why it is the duty of a wise and cautious property-holder to deny, that he is going to buy that which he wished to buy, on account of his competitors in the venture." [1] Plutarch (Tiro) says his chief aim was that his clients might not have far to go. But I believe there were other motives too. His own social aspirations too were strong, and then there were those of Terentia, a native aristocrat. Actually he seems to have acquired title pretty late in the year. The price [2] was much greater than the figure in Gellius, viz. three and one half million sesterces, or about $154,000. It was then the most distinguished residential quarter in the Mediterranean world. Before Crassus dwelt there, it had been the domicile of the great Tribune M. Livius Drusus. Cicero we see borrowed freely. The price was about sixfold that of a good villa in the country, with mansion, garden, park, grounds and slaves' quarters.

Cicero's social ambition was almost constantly ahead of his purse. In December 62 he writes to Sestius (Fam. 6, 2): "Let me tell you, I am so deep in debt as to desire to enter into a conspiracy myself. But my credit is pretty good on the Forum: the money-lenders know who raised the siege from which they were suffering. I can get money at six per cent." During this year (ib. § 3) too Cicero had defended the proconsul Antonius in the senate: his former colleague's exploitation of Macedon [3] was notorious and scandalous. But there were also certain financial understandings between the two, of which we shall hear more, somewhat more indeed than the friends of Cicero's fame like to learn about.

In this year too Quintus Cicero held a praetorship, he being a

[1] According to *Plut. Cic.* 8 he abandoned the house in the *Carinae* then to his brother Quintus.

[2] In a letter to Sestius, then proquaestor of Macedon under Antonius, *Fam. 5, 6, 2.*

[3] Fam. 5, 6, 3. Antonium in senatu gravissime et diligentissime defendi.

colleague, in this office, of Caesar's. Brother Quintus was then forty years old. While we have no direct notice of it, it is possible that he was praetor *urbanus*. This judicial magistrate it would seem was the one before whom came cases of civic status. Such a case was that of A. Licinius Archias, teacher of Cicero's own boyhood, and a protégé of the Luculli, whose family-name he had adopted. Quintus, I say, presided. It seems it was an effort to strike at the Luculli by troubling their Greek retainer, and so to gratify Pompey and his faction. It was probably an application of the Lex Papia on the Roman citizenship.[1] Archias had acquired Roman citizenship under the regulations enacted in consequence of the Italian war, but as he was abroad with L. Lucullus, the census lists (11) of 89, 86 and 70 failed to exhibit his name. Brother Quintus used much of his leisure time (of which he had much more than Marcus) in writing poetry or at least practicing versification; the speed or virtuosity of his output was astounding, particularly in his imitations of Greek tragedy. The body of Cicero's defense of his old teacher deals with the quickening and recreative power of letters amid the pressure of professional and political duties. Thus the *pro Archia* [2] has become a veritable quarry of commonplaces in the domain of literature: we are not rarely compelled to listen to such citations which often embroider indifference or veil ignorance. The letters here commended were, in the main, Greek letters. Cicero insists that he was not a mere delver in scrolls or unprofitable sciolist here; there were such in Rome (12). Never had he permitted such occupations to inhibit his forensic labors. While others attended public games (13) or dinner parties, or while they shook dice, or played ball, or merely rested, these were *his* pursuits.[3] It was still necessary at Rome, as in the days of the elder Cato, to give some account of one's leisure no less than of one's business. This habit of reading, and what he read, gave body and substance to his oratory; nay (14) it furnished to him the deeper and underlying motives for striving and toilsome perseverance. These motives were Fame and Glory, the frank avowal of which is coterminous with the history of classical civilization. The Catilinarian matter still throbs (ib. 14) in his consciousness.

[1] cf. Orelli, Index Legum p. 324, of the year 65.

[2] Rated among the speeches of the *second class* by Tacitus, Dial. 37, as were those of Demosthenes against his guardians.

[3] Subsiciva quaedam tempora incurrunt, quae ego perire non patior.

There are "daily attacks" (cotidiani impetus) still, i. e. in the utterances and threats of Catiline's admirers, followers, sympathizers. The great personalities of the past, both in Greece and in Rome, were incentives and practical ideals, in pointing the way. While natural parts were certainly important and decisive, the addition of culture to such produced the most perfect characters, such as Scipio Aemilianus, Laelius, Cato. Archias was one of his old teachers; another one, Roscius (17), had recently passed away. All this was fine and impersonal, we feel; there was however a personal motive: Archias had written a Greek epic on the Eastern campaign of his patron Lucullus (21). Cicero hoped Archias would spread the fame of Cicero's consular year and especially of the Catilinarian matter, in Greek verse. *Greek was then* (23) *read in every nation, while Latin was confined to the geographical limits of Latium and Rome.* The speech incidentally extolls Lucullus: this is balanced by a pretty compliment to the conquering hero Pompey soon to be expected (24). That Achilles too had his Homer. Even then *Theophanes of Mitylene* [1] had begun to make Pompey's achievements the theme of his pen. Much of this and all such forms of glory must indeed appear factitious, but has there ever been more of factitious and ephemeral fame, than in our own time, when Kleio mainly sits on the tripod of the journalists? Only we are not quite as frank about it as the fame-hunters of antiquity were. Then every one, including the towering Julius,[2] was quite frank about it, as they were about the worship of Aphrodite, or of men of power; apotheosis was near to their prevailing type of sentiment. Cicero hoped, as we know, that his fame would shine brightly amid the eagles and the triumphal chariots of his military contemporaries. It was from Archias' Epic verse, from his Greek hexameter, that Cicero expected much. The promise of the Greek man of letters had actually been given, and Cicero clearly expected that this circumstance would be impressive for the jury; to the praetor, brother Quintus, it certainly was. So we may as well append here, that Archias did not keep his promise to Cicero; he seems instead to have undertaken an epic poem glorifying some of the Metelli, probably Metellus Creticus, who was as positively of

[1] We know that he became so influential with Pompey in time, that he was almost considered his mouthpiece, Att. 5, 11, 3.

[2] Comment. de B. G. 2, 35; ob easque res ex litteris Caesaris in dies quindecim supplicatio decreta est, *quod ante id tempus accidit nulli.*

the anti-Pompeian interest in the political aristocracy of Rome then, as was Lucius Lucullus himself.

In the month of December there came around again the official anniversary of the Bona Dea. This time it was held in Caesar's official residence, because he was then praetor, antiquarians claim, not because he also was Pontifex Maximus. The remarkable and full account of the scandalous incident then occurring there, an account now lodged in Plutarch (Caes. 9–10) may be due to the records of the subsequent public trial, or to Tiro's biography of his master. Be that as it may, the so-called sacrilege of Clodius, the trial, the tension, and ultimate furious feud between Cicero and Clodius, did in time gain an almost elemental importance for the further fates of Cicero. It was not at first Cicero's concern, Cicero's feud, at all, and still it ultimately drove him into exile. The whole incident, in its main features, its consequences and all its peculiar circumstances, was in a word symptomatic of the broad and rapidly moving decadence within the Roman aristocracy, which confronts us at every turn and fairly cries out at us from the *belles lettres* of a Catullus or certain passages in Lucretius. There was a championship of the better and the sterner past; a prophet's mantle which perhaps Marcus Cato might have consistently worn. Cicero somehow felt called upon to assume it.

## 61 B. C.

Early in this new year Cicero noticed the matter quite concisely (Att. 1, 12, 3) in a letter to his bosom friend on the banks of the Ilissus: "I suppose that you have heard that P. Clodius, son of Appius, was caught in female dress in the house of C. Caesar, when the official state ritual was held, and that he was saved and conducted to escape through the services of a slave-maid; that the matter amounts to a huge scandal, which I surely know you will be annoyed about." Cicero had just lost by death his Greek reader, an admirable one, the slave Dositheus: he mourned more for the deceased than one ought to be concerned, he says, about the death of a mere slave. About this time too the orator was expecting, — rather anxiously we may say,—expecting certain funds from Antonius, the proconsul of Macedon. Cicero was still somewhat hard pressed as to the loans made in connection with the purchase of his Palatine mansion. The uncle of Atticus, Caecilius, a gruff and somewhat penurious old man (Att. 1, 12, 1)

refused to loan Cicero any money at less than 12%. Hence Cicero's anxiety to hear from Antony's agent in Rome. This money Cicero expected either as a private fee (to be kept strictly private) for defending Antonius in the senate, against the charges now coming from the provinces, or it was some compensation arranged when Cicero, from motives of his own, yielded that province to his needy and destitute colleague. There was then an agent of Antonius at Rome. Cicero veils his identity under a female name, *Teukris*. It was hard for the consular to get anything out of him but promises and delays. Cicero had been rather loath to go on with these engagements of Antonius. His instinct or impulse now told him to drop the whole matter, as far as identifying himself any further with Antonius and his proconsular conduct was concerned. Pompey's forerunners were spreading the news, that that dynast was for the recall of Antonius: "the matter is such, that my reputation with the conservatives as well as with the people's party will not permit me to defend that individual. And I have not the slightest inclination, which after all is the main thing." He followed his instincts there, he told Atticus, which often were the better counsellor.[1] Cicero was also distressed and annoyed on his own account: a freedman of his, a certain Hilarus, was then with Antony; the latter gave it out that this fellow was on the ground to look after Cicero's interests, viz. to see that Cicero got his proper moiety of the loot extorted from the Macedonians. Cicero soon after composed a letter, a very strong and formal missive, which Atticus in person was to bear to Macedon. This epistle indeed (Fam. 5, 5) in every line breathes a moral and pecuniary independence, which could not be excelled. For Atticus, probably pretty late in 62, had gone back to his Greek residence, to his reading and money-lending. At this time in the hierarchy of senatorial recognition by the presiding consul (Att. 1, 13, 2) Cicero had to be content with the second place. He had expected the first. Caesar, after divorcing his wife Pompeia, had not yet gone to his province of Further Spain: he was called to bear witness in the state-trial of Clodius. For the senate had voted (Att. 1, 13, 3) that the scandal of Clodius called for action by the courts. We observe that among the aristocracy the influence of P. Clodius Pulcher was still potent. After all in spite of his own reputation

[1] Att. 1, 12, 1. An initial citation from a monostichos of Menander. cf. Caesar, before driving across the Rubicon, E. G. S. *Annals of Caesar*, p. 194.

and that of his sisters, he was still a Claudian. The senators were perceptibly weakening in the sternness of their moral indignation. Cicero himself was not proof against this general drift; he felt a relaxation of his determination to stand for the right. Cato alone was as always, but fairly alone, the incarnation of Duty, a worthy sectary of a great school. But even before the trial Cicero penned these words (ib. § 4): "I am apprehensive lest this matter, treated with indifference by the upper class and championed by the vicious, may be the germ of great troubles to the state." It was to be so. Pompey, taking his time in every way, was back at last. Cicero never said one word to Atticus of the event of events,[1] that Pompey mustered out his troops at Brundisium and came up to Rome a private citizen. To tell the unvarnished truth (as the present biographer is trying to do everywhere) the Arpinate was chiefly interested in the question how deeply his own fame and newer reputation had penetrated the consciousness of Pompey. The latter's open and outward acts (Att. 1, 12, 4) were full of cordiality and commendation, but Pompey, Cicero thought, could not disguise his deeper envy. Poor Cicero was like a professional beauty to whom every male's honeyed mouth and every female's jealous glance do homage, and to whom life is one great mirror. Poor Pompey's first public address, Cicero thought (Att. 1, 14, 1), was a frost or failure: no faction, no civic element was cordially pleased with it. We may well assume that public oratory was a bore to him; the language of a commander in chief is laconic, and it does not train him to season and sweeten his points with persuasiveness of the art rhetorical. Pompey knew his own defects. On returning from the East he had stopped awhile at Rhodes, where the great Poseidonios [2] lectured before him on some of the cardinal principles of oratory. When Pompey was back in the capital once more, the burning question of the hour was what kind of a jury was to try Clodius. They drew Pompey out before the people and next day in the senate. Poor Cicero (ib. §3) was unable to rate men and things except in their relation to, or reflexion upon, himself. When Crassus praised his Catilinarian services, in the senate, very warmly and generously, then and there the orator could not resist the temptation to arise and discourse on the familiar

[1] cf. Dio C. 37, 20. Annals of Caesar, p. 76.

[2] Plut. Pomp. 42. cf. The Classical Weekly, N. Y. vol. 3, p. 161–163.

theme, we all know what theme — with all the faculty and all the minor graces of his own art, as though a virtuoso in a great solo performance watches an eminent auditor in a front seat who has never heard that particular composition before. Truth is that this was really the first political speech of importance which Pompey had ever heard from the lips of Cicero directly. "But I, good gods, how did I vaunt myself before my new hearer Pompey! If ever periods, transitions, the syllogisms of oratory, the making of points by amplification, — they were at my service on *that* occasion. Why say more? There was a roar of applause. For this was my theme: about the decisive importance of the senatorial class, about harmony with the equestrian class, about the utterly defunct remnants of the conspiracy, about the reduced cost of living, about peace and order. You know well how I can thunder on a topic like this. It was so loud that I may be by so much more concise, because I think the sound reached all the way to you." And Atticus was meant to smile pleasantly when his eloquent friend thus lifted the curtain of the political stage. Pompey purchased the consulate for one of his military lieutenants, Afranius (Plut. Cat. Min. 30). Cato had rejected Pompey's offer to marry a lady of the Porcian kindred. But to return to our particular point: In the end the conservatives abandoned the proposition to have the praetor select his own jury for Clodius. The "herd of Catiline" was still a great power on the Tiber: there was a certain consistency in their opposition. In the almost universal disruption and decadence of the bond matrimonial why make so much ado about the accidental coming into public notice of an intrigue at this one particular state-ritual? We all of us live as is the mode in the aristocratic society of Rome; why should any one of us go into exile for it? The special election for adopting this particular measure (of a special jury) was stopped by riotous proceedings. No S. C. Ultimatum was now proposed. In vain did Cato seek to hold up the better element to do their duty. The consul Piso did what he could for the noble libertine.

In the allotment of provinces made soon after this time the great and rich province of Asia fell to his brother Quintus. The latter, like his brother Marcus, was then much engaged in buying houses and lands (Att. 1, 14, 6) or selling in order to buy. Marcus almost at once assumed that Atticus would accompany his brother-in-law into the latter's province in some official or semi-

official capacity. Thus too his Philhellenic friends (Att. 1, 15) might be useful there in spreading the fame of Marcus. Fame among Greeks, as we know, was particularly dear to the orator, for their culture was, after all, also his own. The conservatives at Rome in the end gave in to the so-called people's party men. Clodius was tried by a jury selected by lot in the ordinary way. Clodius will have his throat cut even by a leaden sword, Hortensius urged. It proved indeed a leaden sword but it cut no throats. Clodius was acquitted by a vote of 31 to 25. The jurymen, in the majority, were (as Cicero put it in his punning way) moved more by famine than by fame. The broker of the entire transaction was Crassus, he furnished the necessary capital: for full measure even unmentionable inducements were added.[1]

Cicero in person had borne witness on Clodius' claim of an alibi: Being placed on the witness stand, Cicero deposed that Clodius called on him to pay his respects on the very day on which he (Cl.) had claimed that he had been at Interamna, about ninety miles from Rome.[2] Thus a personal humiliation to Cicero was coupled with a graver disaster. "That condition of the government (Att. 1, 16, 6) which you deemed firmly established by my policy, and I by Providence, a state of things which seemed fixed and founded on the union of the better class and the prestige of my consulate, unless some power above have mercy upon us, has been surely made to slip from our hands, by this one verdict, if you call it a verdict, when thirty individuals, the most frivolous among the Roman people, upon receiving some paltry coin, are destroying all human and divine principle, and what not only all men but even the dumb beasts know was done, this Tom, Dick and Harry and such other rubbish deny that it ever happened! I want no one else to read this letter." Ancient commentators report that each bought juror received three hundred thousand sesterces ($13,200) or four hundred thousand sesterces ($17,600).[3] Even at this time[4] Clodius entertained the idea of becoming a Plebeian, not yet indeed from personal vindictiveness but because for an influential and bold Tribune the financial possibilities of that place were enormous. Cicero never could rest even under a slight provocation or challenge. Almost immediately (May–

[1] Seneca's comment on this passage Ep. Mor. 97, 9 (Tyrrell).
[2] Schol. Bob. in Orat. in Clod. et Curion. p. 330, Or.
[3] Schol. Bob. p. 331, line 31.
[4] Ib. p. 333, l. 3.

June) Cicero began baiting Clodius in the senate and elsewhere. In the fencing duels of wit and repartee it was easy for him to make Pulchellus smart, for abler men than Clodius could not match him there, but at the same time he laid the foundation for a passionate and ruthless policy of retaliation, in which Clodius by no means stood alone. The lees of the city (they never had gone away to Faesulae) (ib. § 11) were with Clodius. But not these alone. Caesar and Crassus by no means desired Clodius to be driven into exile, they had been active for his salvation. Caesar's personal self-respect [1] never was permitted by him to obstruct the computations of political expediency. On the chessboard of these two major politicians, a Clodius was a valuable piece. They were quite right as to their general anticipations. If only Cicero had been content to pour his bitterness on Clodius with his tongue alone. But he published a speech so-called, really a personal invective: one sees at once the same *ingenium* which roused in Antony seventeen years later a hatred which nothing but Cicero's death could satisfy. Of Cicero's literary assault we cite a single passus: [2] "You, when your feet were bound with wrapping bands, when the woman's headdress was adjusted to your poll, when you could barely draw the veiled tunic upon your arms, when you were carefully zoned in the corset bands: in all that period of time (requisite for this toilet), did you never remember that you were a descendant of Appius Claudius (the Censor)?" It is quite impossible from Cicero's jibes and bitter taunts to gain any sort of estimate of Clodius' gifts and powers. They were considerable. Nervously now, the consular watched every manifestation that came from the broad masses at Rome; at bottom, in facing the contingency of future storms, he relied on the friendship of Pompey. The latter about this time was pushing (trudi, § 12), as his personal candidate for the consulate, Afranius, one of his lieutenants of the Eastern wars, making the canvass largely by gold.[3] Even then, in the rapidly changing mood of his mobile nature (§ 13) Cicero fondled the idea of devoting himself to philosophy. He was nearly forty-six years old. Brother Quintus went out to his province, without his brother-in-law Atticus however (Att. 1, 17). There

[1] This too, while his own mother and one of his sisters had testified that Clodius had been in the Pontifical mansion. Schol. Bob. 336–7.

[2] Preserved in Schol. Bob. 336.

[3] Plut. Cat. Min. 30.

was a bitter feeling between the two. The reasons were the chronic connubial jars of Quintus, and Atticus took his sister's part. Marcus had made the match, and he did his best for peace. Matchmaking should be left to women whose natural province this elemental faculty of conciliation is. Quintus had a temperament which the world readily condones in a woman but rarely tolerates in a man: his moods rather than any settled demeanor seem to have dominated him; he was morbidly sensitive, and irritable, equally ready for reconciliation, like April skies. Cicero missed his best friend, as the clouds were again beginning to gather about his head. His old clients, the financial class, the organized exploiters of provinces, were just then somewhat sore. Those who had secured the contract to collect the revenues of Asia,[1] found they had bid too high, and demanded the cancellation of the contract. Crassus was behind them. Cicero considered it an impudent proposal; still so deeply was he enamored of his "harmony of classes" and so manifold were his professional relations to the knights, that he exerted himself earnestly for them. Expediency made him do what he did, while conscience and moral judgment had to be content with the silent voice of his own bosom. Such are the antinomies of life and the soul. He despaired of being a Cato; and still he called the latter, "our demigod.[2]

## 60 B. C.

This is the year with which Asinius Pollio began his relation of the great civil war, although the acute stage of the same came some eleven years later. Cicero kept feeling his solitude. The bosom of his family was doubly precious to him. He felt his political friendships as brilliant, but outwardly only, and barren of deeper satisfaction. Nowhere was there any genuine intimacy of mutual utterance possible.[3] Clodius was steadily pursuing his plans of becoming a leader of the common people. At first a certain Herennius, a Tribune, proposed a plebiscitum to permit the passing of the Claudian noblemen to the plebeians. "Pompey had his gaze fixed on his famous embroidered toga." Cato will not utter a word that might run counter to some one's influence. Cicero began even then to realize with dismay that the great noblemen, those of the most splendid estates, would

[1] Att. 1, 17, 9.

[2] Att. 1, 17, 9. heros noster ille Cato.

[3] Att. 1, 18.

not go out of their way for him, provided they enjoyed life in their own way, their artificial fish ponds near the sea filled with sea-water and the daintiest of sea fish. Such was the consummation of their earthly bliss. For the rest they did not care. Over and over does Cicero's epistolary scorn return to these "fishpond fanciers"; I believe he had in mind L. Lucullus as the type of a class. Troubles in Gaul for a while engaged public attention in Rome. The Aedui, allies of the Roman people, had recently been defeated by Ariovistus.[1] A general movement of the Helvetians was expected. Both Cicero and Pompey, by special vote of the senate, were exempted from the task of going out as envoys to warn the states of Gaul not to give aid and comfort to the proposed emigration. The orator felt greatly flattered by this exemption: "why look for acclamations (of people abroad), when such things arise for me at home?" Pompey owed his veterans land-assignments. But he had too promptly mustered them out to use them as practical argument against a reluctant and hostile aristocracy. A Tribune, Flavius, introduced an agrarian law. Cicero, as he claims, removed from the bill everything which interfered with private titles. The one thing which he left in the bill was this, that funds for purchasing land might be taken from the revenue of tribute now coming in from Pompey's newly acquired additions to the empire: the income thus to be appropriated for five years. Cicero was not quite as obstinate as the senate at large. "To this whole idea (§ 5) of an agrarian law the senate was opposed, suspecting that some new personal power was being sought for Pompey." The latter indeed had exerted himself to the utmost to have the bill go through. Cicero, to his friend Atticus, frankly avows himself as the representative, nay as the "*leader of the wealthy.*" [2] To his juster and more abstract view the bill had merits: by it, as amended by himself, "the bilgewater of the capital could be drained off, and the bareness of Italy peopled anew." One realizes that nothing substantial had been done in this grave matter since the days of Tiberius Gracchus, whose fine spirit had been roused by this very thing, viz. the disappearance of farmsteads and the solitude of the open country. The senate indeed, as we say in America, was organized against Pompey. And as for the political machine of the *populares*, the chief manipulator of the same, Gaius Cae-

[1] Att. 1, 19, 2.

[2] Att. 1, 19, 4: is enim est noster exercitus hominum, ut tute scis, locupletum.

sar, was then absent in Lusitania. Nothing came of the Flavian bill.[1] Pompey always was a poor politician; he was too stiff, too secretive, too reserved, and, what is the main thing, too proud at heart. Metellus Creticus was prominent in antagonizing the wishes of Pompey. The ONLY ONE had treated the former in the Cretan campaign with precisely that manner of sovereign intrusion, with the same manner of appropriating what was not his own, as he had treated Crassus in the consummation of the war with the slaves. Lucullus and his followers were delighted at the opportunity to requite Pompey for his insolence towards his predecessor in the Eastern campaigns. Cicero sought ever a stouter bond with Pompey. We notice that his Catilinarian achievement had weakened his general political position. The class who had admired Catiline was after all a very large class. If they were to fall in solidly behind Clodius, what then? He tried to persuade himself that Pompey, in any crisis, would stand between himself and Clodius. The propagation of his consular fame was still uppermost in his soul, although concern for his safety began to demand first consideration. In March he sent to Atticus his Greek Memoir on his consulate (περὶ ὑπατείας); he observed to his friend (Att. 1, 19, 10) that he had composed it in the best Greek at his command. We may at once add here (Att. 2, 1, 2) that a copy of the Greek Memoir was sent to old Poseidonios at Rhodes, who was to elaborate a more highly finished Greek work on the basis of Cicero's monograph. Atticus was to have copies sent to all the chief cities of Greece. The old scholar of Rhodes declined, whether task or rôle, is now immaterial. The Latin Memoir was next in order. This sequence is significant, for it furnishes a prompt and living commentary on Archias 23, noted before, but bearing repetition in this biography: "because Greek is read in pretty nearly the whole world, whereas Latin is confined to its own boundaries, which indeed are narrow." A poem on the same subject was to follow, "lest I may myself omit any kind of my own praise." Really however, he adds, it is not eulogy which I have proposed for myself, but history. Catulus was now dead. The Arpinate (Att. 1, 20, 3) considered himself the leader of the Conservatives, a position in which he felt himself to be very solitary indeed. Still he was

[1] For details of the obstinate resistance of the conservatives and their spokesman Metellus Celer, one of the consuls, v. Dio 37, 50.

most at home on the floor of the senate-house where his preeminence then was probably undisputed. The news from Gaul was now more peaceful. His interest in expanding his library was intense, almost feverish. The danger from Clodius is still considerable; if it grows worse, Atticus must come over from Greece (Att. 2, 4, 1.) Clodius is quite in earnest after all in coveting the Tribunate. Cicero foolishly goaded the Claudian still further, not abstaining from innuendo even of unspeakable imputations in connection with the *chronique scandaleuse* of his sisters. (Att. 2, 1, 5.) Cicero by this time particularly hated Clodia, who figures as Lesbia in Catullus's verse. Her influence with her brother Clodius was probably greater than that with Metellus then consul.

The gossips of Rome and perhaps some grammatici of later time had a story which lies before us in Plutarch (c. 29, 1). There we are told that Cicero's feud with Clodius had a peculiar, a domestic root. Clodia wished to marry the brilliant consular. The intrigue was actively carried on; Cicero himself was not unwilling; there was even a go-between furnished by Cicero himself. The mansions were not far apart in that aristocratic quarter. So Terentia's suspicions were aroused. To satisfy her and confirm himself in her connubial trust and regard, Cicero began his campaign against Clodia's brother, etc. Whoever made this combination had little knowledge of Cicero's correspondence or character. No woman, *qua* woman, ever moved or impressed the Arpinate. No, Cicero had a deep aversion for Clodia; for one thing, because she was but a faithless wife of the consul Metellus, whose home was anything but a haven of peace. Cicero's aspersions, uttered by means of taunts directed against her brother, approached or reached the ultimate line of demarcation; where wit passes into brutal scurrility. Cf. Att. 2, 1, 5. On the name of the alleged go-between, cf. Alfr. Gudeman in *Am. Journal of Philology*, vol. 11, p. 316. Later on Cicero in his intimate allusions, addressed to Atticus, calls her repeatedly Boöpis. Primarily a Hera then who never was at peace with her domestic Zeus. Others have seen here an allusion to the magnificence of her womanly presence. Tyrrell (on Att. 2, 9, 1) has a more bitter exegesis. "She is probably called *βοῶπις* in allusion to her intrigue with her brother." She certainly is the complement of her brother, and of Dolabella, Antony and others, in presenting to us the decadence of the Roman aristocracy. Paganism cannot produce any Magdalen. Boissier absurdly appropriates the whole silly story.

Caesar's prospects for the consulate are very auspicious. The orator was so naïve as to believe he could cure both Caesar and Pompey of their excessive inclination for the *populares*. The

breach between the senate and the financial class is now a positive fact. In two days (Att. 2, 1, 9) Caesar will be in Rome. Atticus is having trouble in getting payments from the Greek community of Sikyon. . . . Cicero now is in possession of a villa near Pompeii also, and is delighted with the place, but has borrowed heavily to make the purchase (ib. 10). This summer, viz. of the year 60 B. C., was to be of incisive importance for the political future of Rome and of Cicero too.[1] Caesar was chosen consul. The election itself was deeply bound up with the personal coalition of the three major politicians. No doubt they were rated as major politicians by the public opinion of the time. The initiative in the great pact was Caesar's: he did it all as part of the work necessary to make sure of his own election. He desired no opposition from either; but if he lacked the support of both, then he had no hope of his election at all. The senate in itself, if conscious of its ancient privileges and prestige, would not have consented to the elevation of this man. For Caesar, more than any man then in public life, had consistently antagonized, and on many occasions, in fact whenever he could, had weakened and humiliated the conservatives. What would he do as consul? It was indeed a wonderful achievement for anyone to reconcile political enemies as bitter as Pompey and Crassus. Now the union of the three meant the cooperation of the factions amenable to each of the three. Cato then (Dio, 37, 57) was positively the only man in public life who absolutely excluded personal considerations in his public activities. Cicero did not at first become aware of the new era. He was chiefly occupied in watching the movements of Clodius. The three kept their pact concealed as long as possible. Even their outward attitudinizing for the present was such as to have them appear positively antagonistic to one another.

It was some time after Caesar's election, but still in 60 B. C., that Cornelius Balbus called on Cicero. This native of Gades, but naturalized Roman, even then was Caesar's most trusted man of business and political agent. (Att. 2, 3, 3.) At that time it was a matter of common report that Caesar was to bring in an agrarian law. Cicero was deeply planning what policy to pursue then. Caesar now flattered him as only he knew how to

[1] Liv. 103. Suet. Caes. 19. Plut. Crass. 14. Pomp. 47. Caes. 13. Dio Cass. 37, 54 sqq. L. Lange 3, 276. App. 2, 9. Sihler, Annals of Caes. pp. 80 sq.

flatter, still not grossly: though Cicero was not squeamish there. Balbus on that visit told the orator, "that Caesar in all things would avail himself of Pompey's counsel and my own, and would exert himself to bring about a union of Crassus with Pompey." How candid and fair it all seemed to be. The union of the three was no doubt fully accomplished when Balbus called. This indeed Cicero knew and realized clearly: if he accepted these courteous and flattering advances, Clodius and all those clouds would promptly disappear from the horizon of his own life: "there would be a reconciliation with personal enemies, peace with the masses of Rome, a leisurely old age." Should he decline Caesar's offer, there might indeed be the opposite of all this. Indeed now a great struggle began in the political bosom of the consular. But, as often, what we may call his mentality proved stronger than the weighing of profit and loss. If we often may withhold from Cicero the title of statesman, so on the other hand his standard was very much above what we in the United States call that of the politician, i. e. a person that makes a pretty good living from patriotism and partisanship and remunerates his supporters by appointments or nominations which mean for them too, though in a minor way, a pretty good living. The tax-payers support them all and are somehow "represented" by them. Cicero, I may say, was of a somewhat different caliber. A certain pride and an ideal of consistency arose before his mental vision. He was liable to be much swayed by nobler moods and emotions, such as come more readily to the oratorical temperament than to a cooler man of affairs. And still in his continuous practice among financiers he must have himself been quite positively a man of affairs. Even then in the latter part of 60 B. C. he is occupied in varying the perpetual theme of his consular year by a Latin Epic. The final lines of the third book (Calliope) were still echoing in his soul.

"The course meanwhile, which thou from budding manhood,
And which still more as consul didst pursue with stout intelligence,
Maintain it still and do increase thy fame and praises of the Good."
(Att. 2, 3, 3.)

Whatever betides, he will stand with the Good. His lot is cast with that form of government, with that element of political society which with Plato and Aristotle he fain would call the Best. And we know that he dwelled often on the noble term of *Optimates*

and then shook his fist when gazing on the actual average of Romans who assumed that term for themselves. It was a brave resolution, to decline Caesar's advances: the *Triumvirate* of History *might* have become a *Quattuorvirate.* A brave resolution it was, but one destined to bring about in time *the* bitter humiliation of his life. Atticus was on his way to Rome at his friend's behest. Cicero's general plan seems to have been, that Atticus was to remain at the capital, at such periods of time, when the orator with deliberate policy was to avoid declaring himself in the consular year of Caesar now close at hand. Everyone knew that it was to be a year of events and not of mere current routine.

During this year (60 B. C.) too Cicero sent a very elaborate monition to his brother Quintus, then governor of Asia. (Quint. Frat. 1, 1.) The year 60 B. C. was really the second year of the younger Cicero's administration at Ephesus, and the senate had added one year more, though Quintus had wished to be recalled. "Be careful, my dear brother, in dealing with the Roman citizens there. These (either because they are tax-farmers have very intimate relations with myself, or because they so pursue their business operations as to attain wealth) believe that they have their fortunes unimpaired through the services of my consulate." We see it clearly; lack of self-control was the chief fault of Quintus. And Marcus, with the candor and earnestness of a veritable confessor or spiritual adviser, warns Quintus of the pitfalls of the great power then entrusted to him. Money, pleasure, covetousness: you must resist them! Be not tempted by the exquisite works of art, with which that region abounds. Beware particularly of attendants and official servants (§ 15) who are of the province itself! These fellows know all the roads that lead to money. There are but few Greeks now in existence worthy of old Greece. The vast majority of them are given to cheating and their moral character is of the lightest, and in consequence of their long dependency they have been trained to practice excessive flattery. As a model or a splendid ideal the Cyrus of Xenophon might serve (23): it was the favorite book of Scipio Aemilianus. You must not permit the creation of new debts in the various communities. The local governments should be in the hands of the aristocracy (25).[1] — Incidentally we learn that a temple and monument to the two Ciceros had been erected by

[1] Provideri abs te, ut civitates optimatium consiliis administrentur.

the provincials.[1] Still Cicero declines to accept this, "Both for other reasons, and also in order that those to whom it was not due and not permitted, should bear this with more equanimity." No special tax should be laid on the province to help the aediles in Rome defray the expenses of their games. After all, Asia (Eastern Asia Minor) ranks very high (27) in Cicero's estimation: "If the lot had put thee over Africans or Spaniards or Gauls, rude and barbarous nations, still it would be due to your finer nature that you were interested in their advantage and devoted to their utility. But since we rule over a race of men who are not only themselves the possessors of civilization, but a race from which civilization is believed to have reached others, we should certainly above all other things show that refinement to those, from whom we have received it. Now what has been the source and incentive of my achievements? It was those pursuits and those attainments which were transmitted to me through the literary records and the education of Greece." — Quintus as a ruler should keep before his mind that civic happiness of which Plato speaks, that rare contingency when philosophy and wisdom meet in the person of the regent or ruler.[2] The Publicani (32) are a difficult problem: we must not let them become estranged, but still we must control and curb them. Another thing: Your Temper! "It is a fault which in this private and work-a-day life[3] seems to betoken an unbalanced and weak spirit: there is nothing so ugly as to associate bitterness of nature with high official station." " The unanimous report is (38) that you are the most charming person in the world when your wrathfulness is quiescent, but when the wickedness and perversity of anyone has stirred you, then your spirit is roused to such a degree, that everyone misses your better and finer nature." Marcus associates Quintus with himself in a curious way. We bear the same name, our fame and reputation cannot be separated or rated apart; "therefore, since not so much a certain eagerness for fame, as life itself and fortune have brought us into such a career, *that men will never cease to speak of us*,[4] let us have a care

[1] Later, in 44 Cicero was deeply hostile to the erection of a temple for Caesar with a form of worship, in Rome itself.

[2] Plat. Rep. 473 D.

[3] Sic ad nos omnes fere deferunt. . . . Marcus in Rome made enquiry of all who came from the East.

[4] Words emphasized by the author of this volume.

as far as we can accomplish and attain, lest it be said that we have a marked fault." (Naïve as are these definite associations of the two in a certain immortality of renown, it really is a fine trait in Marcus, that he does not shrink from fraternal monition even in matters of temperamental faults.) Let the third and last year, then (59 B. C.), my dear Quintus, make such a conclusion; that it will be an All's well that ends well. Cicero at that time had that persistent and unvarying consciousness: he was the representative of all the *Boni;* he was also the target of all the *Improbi* (41), a shining object for any censure, if only his foes could discover material for censure. — My war with the depraved classes will end only with life itself. I must maintain my political character. Your name in public life must be as consistently unblemished as my own; otherwise I shall suffer. — Marcus did not forget that he had been the prosecutor of Verres ten years before, and the author of the Verrinae.

## 59 B. C.

This was the consulate of Caesar and Bibulus,[1] or as we may better say with the political satirists of the day, it was the administration of Julius and Caesar. Caesar had long been the head of the populares though often invisible in his activities. Clearly he preferred to be. If Caesar then had not promptly brought forward an agrarian law, he would have been almost considered a renegade by his supporters. He could have been grossly inconsistent with his own political past. Now these beneficent measures hitherto had almost invariably been brought forward by Tribunes. In this new era the head of the state assumed, in his own person, a kind of Tribunician rôle. Caesar's agrarian law was a very fair and just measure. History is generally written when acts and events have happened and have themselves been justified by the sequence of things. But here, looking *forward* at a given point, we must get Cicero's vision. To his personal and political vision, it was a gigantic corruption measure:[2] Caesar no doubt did something in "behalf of the poor" and actually and definitely won those who had expected this very thing from him for many years. But for Pompey too land-assignments were necessary: his veterans had been clamoring for two years.

[1] *Plut. Cat. Min. 31* transcribes the sharp partisanship of his original. — *Dio 38, 1* is tinctured with Livy's bitterness. cf. *Suet. Caes. 20. Vell. 2, 44.*

[2] *Largitio* Att. 2, 16, 1.

A commission of Twenty was to be established. In it were to be men of the highest station and of the largest experience in public life;[1] of Campanian land there was no mention in the first bill. The optimates on the whole, in resisting an approving S. C., pursued a sullen policy of *Non possumus*.[2] Cato opposed it, *aperto ore*, directly and fearlessly: there was no need of innovation. We hear nothing whatever of any decisive position of Cicero in these debates, or active share in that stubborn policy of non-concurrence. In fact Cicero, in a measure, ran away, or, as the political phrase of our land has it, went fishing. He did not go very far, not far enough to mitigate the poignant sense of failure and discomfiture which he felt over Caesar's bill. Atticus was in the capital, having come at the orator's urgent request. While the consular sojourned at his newer villas, his bosom-friend kept watch for him and provided him with full current information. With his feverish pulse-beat craving action and perpetual performance, what should Cicero do? I might, he said, write a Latin book on some Greek theme never touched in Latin before. I might attempt a Latin treatise, say on geography. He looked over Serapion's work on that subject. He tries to console himself on his retreat. He will never enjoy the wealth of Crassus, for he has been consistent to himself. (Att. 2, 4, 2.) All these moods and notes from his villa at Tusculum. He is weary of public life. But even then, it seems, Cicero had, in a manner, armed the Triumvirate against himself. In the latter part of the winter before the spring of 59 had fully set in, Cicero defended his former colleague for the latter's misgovernment of Macedon, a political trial foreshadowed even before the actual return of Pompey, as we saw before. The prosecutor was Caelius Rufus of Campania, later on an admirer and protégé of Cicero's. In his defense of Antonius, Cicero it seems had gone out of his way in making a bitter arraignment of the newest political shift.[3] Later, when he put this and that together he realized the coherence of things more clearly. Cicero claimed that Antonius' troubles were due to Caesar and his political partners. This was about noon. On the same day at three o'clock Clodius was adopted by a plebeian. Caesar's Pontifical and political powers were swiftly set in motion. For the present that sword remained in the scabbard.

[1] Att. 2, 19, 4.

[2] *Dio 38, 2:* εἰ καὶ μηδεὶς οἱ ἀντέλεγεν, οὔτι γε καὶ συνεπήνουν.

[3] *Dio 38, 10. De dom. 40.*

From his Tusculan villa he went to his seaside place near Antium. — He has passing notions, e. g. to make a tour abroad, to visit the ancient civilization of Egypt and the Nile. (Att. 2, 5.) But, alas, it would look too much like running away from trouble. As Hector [1] refused to hide behind the wall of Troy, so he would meet the political measures of Caesar and the Caesarians. He shuns the opinion of the day: he would not dare to face Cato, who, alone, meant more to the finer voice within Cicero's bosom than one hundred thousand men. The capital, he feels, is weary of M. Tullius Cicero.[2] (It had indeed a surfeit of the Catilinarian theme at least.) What will history say of me six hundred hence? If Pompey's favorite Theophanes offers you something for me, something, e. g. like a roving commission do not peremptorily decline it. An election to the Augurate might tempt me (ib. 2). "At the present moment, since I realized how empty was that which I deemed glorious, the substance of my thoughts is, to enter into relations with all the muses." His moods were like the surging and restless billows of the sea so close at hand, where he sat on the strand and counted the tides rolling in (Att. 2, 6, 1) with that periodicity, which so mysteriously fascinates us ephemeral observers. He lacks even the energy requisite for writing. There is nothing in that geography-theme. It is difficult indeed to give a Latin form to such a subject matter; besides it is fearfully monotonous in itself; there is no opportunity there for any florid treatment.[3] *What, after all, does my Consulate amount to for abiding results? Nothing.* Even then Cicero bitterly hated Vatinius the Tribune, one of Caesar's prominent instruments in his consular year. He is planning a private memoir about men and things, probably a political delineation in the main of Caesar and of that leader's policies and tortuous career, which for the present he refers to as cryptic papers. The whole subject is as yet in a kind of ferment in his brain like the juice of grapes in the fall when the vintner is working it in the vat.

On May 4th, 44 B. C. after Caesar's death Cicero wrote to Atticus from his Pompeianum: (Att. 14, 17, 6): "My cryptic memoir (Librum ἀνέκδοτον) I have not thoroughly filed, as I would: those matters indeed which

[1] Hom. Il. 22, 106.

[2] Et simul ab hac hominum satietate nostri discedere. Att. 2, 5, 1.

[3] Att. 2, 6, 1. nec tam possunt ἀνθηρογραφεῖσθαι quam videbantur.

you desire to have composed, are awaiting a certain other scroll apart; as for myself, I mean what I say, I hold that it was possible with less danger to make utterance against that wicked party while the tyrant was living, than after his death."

But why was not Cicero in the senate then? Partly from disgust and from the overwhelming sense of his actual political impotence. Then he did not even dare to rise in the senate to attack Caesar, for then he would have been compelled to attack Pompey as well; Pompey, almost his only bulwark now against the design of Clodius. His cryptic memoir by the bye was to be written in the vein or manner of the Greek historian Theopompus,[1] or more bitter still. Some day it would be read, but Atticus alone was to hear the work. What will Clodius do? Will he accept a roving commission? Clearly Cicero is prepared in a way, in the spring of 59 B. C., for a consummation which he deeply dreaded, like a culprit speculating on the date of scaffold or gallows. Before him there is looming up the tribunate of the renegade Claudian, his mortal enemy. That office is, he believes then, held in reserve for the emergencies of those men (Att. 2, 7, 3); he means the Triumvirs. For once Cicero's prevision was absolutely correct, nay keen. Clodius would never have broken down the ancient barriers, if the Three had said nay. The consular's one hope of salvation for the near future is that "those men" will fall out. Of such dissension Cicero was eager to believe he could discover some beginning, because he hoped for it. Poor Cicero in that spring was heavily troubled by a sense of impotence coming right on the heels of his civic triumphs sealed for all time by his own record in prose and verse. Coupled with this galling consciousness of isolation there was inaction, which to his peculiar temperament was intolerable. "Long ago I was weary of holding the rudder, even when I could. But now (Att. 2, 7, 4) when I shall be compelled to abandon the ship without throwing away the rudder but having it torn from my grasp, I am eager to behold the shipwreck of those men from the shore: I desire, as says your friend Sophocles, '*even under roof to hear the patter of the rain with sleepy brain.*'" One could insinuate one's self to Cicero by telling him such news as he would like to hear. Young Curio, of all men, came out to the seaside

[1] For the settled habit of Cicero to undertake *no* general literary theme without some Greek model or incentive, cf. Att. 12, 40, 2; 13, 28, 2.

villa near Antium in this April to pay his respects to the man of letters (Att. 2, 8, 1); more likely he came in order to turn him in a false direction. Curio told Cicero that the young bloods at the capital hated "the haughty kings," the dynasts of the new coalition. Atticus himself had conferences with Clodius. After the terrible insults which Cicero himself had uttered (and published) against the sisters of Clodius, we marvel how Cicero could expect any mediation whatever in that quarter. The orator was full of anxiety; his uppermost concern being to weigh every contingency of political combinations and vicissitudes. He feels the great change in the government. The wheels turned differently, it was literally a reversal of their function, but so quietly accomplished that the wheels gave no sound, that one could barely trace their tracks with the observing eye.[1] "*Granted* (Att. 2, 9, 2) *that the power of the senate was unpopular, what do you think will be now, when it has been reduced to three men who acknowledge no check?*" "I had rather have a poor passage when another holds the helm, than steer well with such unwelcome passengers on board." At this time Clodius tried to make Cicero believe, that the real aim of his impending tribunate was to antagonize Caesar.[2] Caesar kept back or denied outright [3] that he had made any motion or proposed anything concerning Clodius' adoption by a Plebeian. Caesar so far had not displayed his cards[4] at all, but kept on assuming a non-committal attitude. Clodius had been treated by Caesar with extraordinary consideration. Caesar desired to use him. Cicero did not wish to be in Rome himself, and still to know all the happenings. Atticus was to sift them for himself, and Atticus knew everyone, and had no enmities with anyone. He gave special dinner-parties, held conferences with suitable persons, all for Cicero. For the present however Cicero was utterly hoodwinked as to the real designs of Clodius, hoping even that by and by the latter would come out as an antagonist of the great pact.[5] He even anticipates that in the coming year politics will afford a unique spectacle in the arena of the capital: a combat of the ambitious Claudian with the Three. From these fluctuating sentiments and speculations he was sharply roused as though stung with the point of a sharp

[1] Att. 2, 21, 2.
[2] Att. 2, 12, 1.
[3] Quid Caesar? Negat se quidquam de illius adoptione tulisse.
[4] cf. Dio's characterization of Caesar, 38, 11.
[5] *Att. 2, 15, 2:* Nimirum in Publio spes est.

instrument.[1] It was Caesar's supplementary agrarian bill dealing with the public land in Campania. How under heavens could Pompey consent to that? Is there nothing left for me then but pen and library?[2] It is another and a decisive step toward autocratic government. Early in May too the world of society takes cognizance of Julia's marriage to Pompey. It seemed sudden to public opinion.[3] This cannot be the end; it is merely the initial point to a further movement. Cicero actually seeks a weapon in the armory of the Stoics, viz. their *Adiaphora:* this, rather than his temperament of optimism, is now to be shield and buckler. "I was wont to feel a keen and painful doubt, whether Pompey's achievements would appear greater than my own, six hundred years from now, or not. That is over." I wish you would draw out Theophanes to ascertain the frame of mind which the conqueror of the East entertains for me. Soon after this Cicero returned to Rome and Atticus to his haunts and pursuits in Greece. In the capital Cicero felt the profound change in public life even more strongly than in his villas. No one opens his mouth. There is no organized opposition. Young Curio alone furnished an exception. The candidates for office must swear allegiance to the Julian agrarian law. One candidate abandoned the tribunate rather than take the oath. Caesar invited Cicero to accept a post as legate[4] for Gaul, or a roving commission. Provisorily the orator accepted the latter, though he feared it would not shelter him from the coming storm. He is sorry that Atticus is gone; nothing would escape that friend, while he himself was too much swayed by moral ideals.[5] Caesar and the others have been hissed in the theater. Allusions to Pompey in lines on the stage are greedily snatched at by the populace. Curio reaps applause. Caesar is visibly annoyed. — My eyes[6] have been opened as to Clodius. As soon as he opens upon me, do you, Atticus, hasten to my side. — One of the Twenty Land Commissioners had died: Caesar offered the place to Cicero. But he declined. Caesar, whenever he could at all

[1] Att. 2, 16, 1: pupugit, cf. 2, 17, 2.

[2] Att. 2, 16, 3.

[3] Att. 2, 17, 1. ista repentina affinitatis coniunctio.

[4] Referred to again Att. 2, 19, 5.

[5] Nimium *τῷ καλῷ προσπέπονθα.*

[6] The writer of this biography begs permission to use the first person freely when relating Cicero's utterance, even when he must condense such utterance.

combine kindliness with the pursuit of his policies, gladly did so. This must always stand to his credit. Caesar, better than Cicero, knew that the plans of the new Plebeian were quite serious.

The edicts (we might call them the political pronouncements) of the inactive consul Bibulus were published. (Att. 2, 19, 2.) In these the life of Caesar was reviewed from the beginning, and covered with the foulest charges, his character traduced to the uttermost.[1] These manifestoes were posted on the walls of Rome. Pompey and Caesar on one occasion were greeted by a certain half-witted fellow as king and queen. People read and copied these Edicta or proclamations of Caesar's sulking and desperate colleague. (Att. 2, 20, 4.) On October 1st there had not yet been any election for the next year. Pompey cuts a sorry figure: "unaccustomed to evil repute, always (hitherto), living in an atmosphere of praise, always surrounded with an aureole of glory, with a visible bodily ailment (Att. 21, 3,), broken in spirit, he does not know whither to turn. He sees that advance will lead to a headlong plunge, while retracing his steps is forbidden by consistency. The better class are his enemies, the wicked themselves not his friends. I could not restrain my tears, when on July 25th I saw him haranguing the people about the Edicts of Bibulus. (Att. 2, 21, 3.) I felt as though an Apelles were to see a world-famous masterpiece of his own brush daubed with mud. The public crowds so where Bibulus' edicts are posted that no one can pass there (ib. 4). It was unpopular to have the election put as late as October, still Caesar failed in his efforts to kindle the anger of the multitude in some drastic way (ib. 5).

"As things now are, he (Bibulus) is marvellously renowned. When he (Bibulus) had put off the elections to the month of October, because that measure is wont to make the people feel sore, Caesar thought that by his address the popular assembly could be induced to go at Bibulus: although Caesar uttered many things most adapted to produce a riot, he could not draw a sound" (from his audience).

Pompey, in the autumn, while admitting that the transition of Clodius had been accomplished with his own consent, declared at the same time, that he, Pompey, would be disgraced if he permitted Clodius to do Cicero any harm. (Att. 2, 22, 2.) Cicero kept entirely out of politics, probably kept entirely away from

[1] *Suet. Caes. 9* and *49*. Missa enim facio edicta Bibuli, quibus proscripsit collegam suum Bithynicam reginam, eique antea regem fuisse cordi, nunc reginam.

sessions in the senate, but was entirely engrossed with his own profession and forensic engagements. (Att. 2, 23, 3.) Of this activity there still remains his defense of *L. Valerius Flaccus*, the predecessor of Quintus, for misgovernment of Asia (in 62 B. C.). Flaccus as praetor had been serviceable to Cicero at the Mulvian bridge and elsewhere. The senate had not permitted him to remain in his province beyond one year. The attempt had been made to marshall the name and authority of Pompey against the defendant (14). The chief design and method of the patronus is to discredit the evidence by belittling the provincial witnesses. Laelius had traversed the province and gathered the depositions and official resolutions of many communities, precisely in the same way in which Cicero, eleven years before, had traversed Sicily with his cousin Lucius. How windy and flimsy are the *psephismata* (or popular resolutions) of Greek communities, how often produced by a passing whim or mood! The witnesses, often provincials of humble station (34 sqq.), are made sport of, some are veritably flayed. Here Cicero often enters into a quasi-dramatic repartee of questioning and answering. This, with his actor's faculty of delivery and elocution, must have been as good as a play, nay an original scene from a comedy never presented before; the jury perhaps roaring and really swayed by Cicero's wit and humor. One cannot take seriously what one heartily laughs at. You cannot very well give your verdict for those who appear to you not so much as pitiable and suffering, than as windy individuals, mendacious, absurd and ridiculous. In this speech Cicero had occasion to deal with that distinguished and historical people, the Jews. During Cicero's own consulate his famous friend had taken Palestine,[1] a mere minor appanage (to the conqueror's vision) of Syria. Many Jews then were Roman citizens (66) and their compact organization and cooperation was well known to the political or social observer. Now Flaccus had issued an edict that no gold was to be exported from his province to Palestine. This was the annual usage among all the Hebrews of the Mediterranean world. Perhaps Flaccus appropriated these exportations under pretense of inhibiting them. — "Each state (69) had its own religion. We have our own. While Jerusalem

[1] *Liv. 102.* Cn. Pompeius Judaeos subegit, fanum eorum in Hierosolyma, inviolatum (sic) ad id tempus, cepit. Cf. *Dio 37, 15.* As for the acropolis of the temple: οὐκ ἀπόνως εἷλεν, and then only because the defenders observed their Sabbath; or (Strabo) on a fast day.

is standing and after the Jews have been subjected, still the religion of those rituals was shrinking from all contact with the brilliancy of this empire, the impressive weight of our name, the customs of our ancestors; now indeed the more so, because that people made a display, by armed resistance, of the sentiments which it entertained of our sway. How dear it was to the immortal gods, it taught by the fact that it was vanquished, has been defeated, has been let out,[1] has become enslaved." There is something coarse and brutal in the Roman consciousness of material conquest, and not less so but even more coarse and brutal when uttered by one of the finer and finest minds of that imperial commonwealth. He knew well, when and how to appeal to this imperialistic consciousness, when real humanity was put aside and smothered in the basilicas about the Forum. As to Pompey we have been seeing how that great name had been lowered and become almost pitiable in the self-communings of Cicero's mind. But outwardly (in the defense of Flaccus), the orator maintained the traditional tone: "Pompey's prestige on the one hand is as great to everyone as it ought to be, and particularly is it eminent in that province which he really freed from the war, both that with the pirates and with the kings" (Mithridates and Tigranes). To sum up concisely, the orator worked on the mind of the jury with two weapons: he made them feel proud (as citizens of the imperial state) and he made them laugh. But the main question he avoided as much as possible. Flaccus had a poor case, but he won. Associated with Cicero was Hortensius. The ultimate plea was generally assigned to the Arpinate.

Macrobius, Sat. 2, 1, 13: "and, if it would not take me too far would relate, in what cases, although he was defending the most culpable defendants, he gained his victories by jests, as e. g. pro L. Flacco, whom when indicted for extortion, he by the suitable introduction of jests freed from charges which were as palpable as they could be."

Before the year ended, one of the great historical years of the Roman republic, Caesar resorted to a curious intrigue. He desired to injure or impair the standing of some of his adversaries before he personally withdrew to Rhone and Cevennes. To this end he made use of the informer Vettius.[2] This man had been

[1] to the *publicani*.

[2] Att. 2, 24, 2–4. Sest. 132. Schol. Bob. 308. In Vatin. Testem 10 sqq. Dio 38, 9. App. 2, 12, Plut. Lucull. 42. Suet. Caes. 20.

almost completely discredited in 62 B. C. when the effort was made to entangle Caesar himself in the meshes of the widening Catilinarian investigation. On that occasion Caesar's supporters almost rent the informer in twain, but now the arch-politician of the moribund republic wished himself to make use of the informer. This man, the Titus Oates of that turbulent time, told a story in the senate, how Curio and other youths of the aristocracy, including M. Junius Brutus, had made a plot against the life of Pompey. Unfortunately for Caesar's design some parts of the story were incongruous, nay ridiculously absurd, as though Vettius, of all men, had no poniard, unless it was supplied to him through a secretary of Bibulus. One of these young conspirators actually was in Macedon at the time when Vettius had him plotting on the Forum. Yet Caesar would not abandon the scheme. He brought the informer before the people, inviting the informer to make his statement from the same Rostra, from which some three or four years before Caesar had not permitted the venerable Catulus to speak. On this second appearance of Vettius his list of plotters had somewhat shrunk. Young Brutus was not named this time.

Cicero intimates (§ 3) that the peculiar and scandalous relations then subsisting between Caesar and Servilia, the mother of Brutus, had been the real cause for the revision of the list: ut appareret, noctem et nocturnam deprecationem intercessisse, i. e. on the part of Servilia.

But some new names too were now added, e. g. Lucullus and Domitius Ahenobarbus, from whose house the assault on Pompey was to have been made. Cicero was brought into the story of Vettius, in a somewhat anonymous, descriptive manner: "an ex-consul, an eloquent man, had told him that the times called for another Servilius Ahala (who slew a reputed usurper) or a man like Brutus" (who expelled Tarquin). One must infer, that Caesar really desired to create a breach between Pompey and the aristocracy so deep as to cause no concern to one whose imperium would keep him at least five years away, not only from Rome and the Forum, but also beyond Rubicon and Apennine. Julia was now a great bond, but evidently Caesar desired to add to those things which kept the only one away from, and averse to, any coalition with Caesar's political foes during his absence.

Dio, 38, 9, hates Cicero so bitterly as to believe the story of the plot and to tell it with a sober and serious mien. When his pet aversions came

into play, Dio seems to have been quite independent from Livy or another earlier writer. Dio interprets the data of Vettius precisely as he would have done had he been a contemporary of 59 and a bitter antagonist of Cicero and Lucullus.

As to brother Quintus,[1] his administration of Asia was now drawing to a close. About one thing above all others brother Marcus was grievously disappointed. There was a slave Statius, in Quintus's household. This one had held a position of influence and decisive authority, about the person of Quintus, which had caused much unfavorable comment in the province, and a sense of humiliation to Marcus Cicero on the Palatine. Quintus deepened all this by manumitting the slave. So weak was Quintus there, while in certain verdicts of his office he had acted with more than Roman severity: certain culprits of Smyrna were sewed up in a sack and cast into the sea. This was the highly cultured gentleman, whose favorite pursuit was to imitate Sophocles. Utterly unbalanced does the governor of Asia appear to us, as we read the friendly and wise monition of Marcus. Quintus had utterly missed the art of winning loyalty and good-will from the provincials of his diocese. Men of much inferior culture, who never had read the Cyrus or Agesilaus of Xenophon, had decidedly surpassed Quintus in the arts of provincial government. The standards in short, so dear and so necessary to the prosecutor of Verres, had been signally neglected by Cicero's brother.

Of Caesar's consular administration as a whole, Cicero wrote in December 50 B. C. on the eve of the civil war. "at tum imbecillus plus," inquis, "valuit quam tota res publica." Att. 7, 9, 3. And a little later in February 49 B. C. Cicero enumerates more specifically the political acts of Pompey by which he made Caesar strong against the state: (in rem publicam) "illa vetera, quod istum in rem publicam ille aluit, auxit armavit, ille legibus (he means the two agrarian statutes) per vim et contra auspicia ferendis auctor, ille Galliae ulterioris adiunctor, ille gener, ille adoptando P. Clodio augur." Att. 8, 3, 3.

The consuls chosen for 58 were Gabinius, Pompey's servitor of 67 B. C., while the other consul elect Calpurnius Piso was the third and last of Caesar's fathers'-in-laws. Cato tried in vain to indict Gabinius for electoral corruption; he somehow could not meet the praetors to make his preliminary indictment. They were not to be met. Cato called Pompey a "private dictator"

[1] Q. Fr. 1. 2.

in a popular address. Cicero thought Cato was not discreet, not diplomatic enough. Clodius had been elected Tribune. The orator is full of anxiety and still tries to persuade himself that when the crisis actually came, all would turn out well (16). "If he will have me indicted, all Italy will rally to my support, so that I will get out of it with my fame many times enlarged. My ancient band of conservatives is aglow with devotion and affection for myself. If any of them were somewhat estranged or indifferent, they are now, on account of their hatred for these kings, attaching themselves to the conservatives." All proved feeble reeds. Cicero was temperamentally optimistic. On Dec. 10th P. Clodius Pulcher became tribune. He stopped Bibulus from addressing the populace on the last day of the year, just as Metellus Nepos had checked Cicero four years before.

Both Dio (38, 12) and Plutarch (Caes. 14) conceive Clodius' Tribunate as anti-Ciceronian policy of Caesar.

## CHAPTER FOURTEEN

### *EXILE AND RESTORATION*

"Otium cum Dignitate": this had long been Cicero's programme, certainly his earnest desire for his mature manhood and for his old age. Immediately we believe, on his accession (Dec. 10, 59), the new head of the Plebeians, a Claudian, the champion of the common folk, proposed those bills on which and for which and through which he expected to consolidate his electoral support. First he added to the gift of Gaius Gracchus: even the nominal payment for grain allotments to the poor was now to be cancelled. Of course this made necessary heavy and permanent new drafts upon the aerarium. Next, one of the traditional curbs of plebeian legislation and their freedom of political action was to be removed. Comitia were to be legal on all *dies Fasti* [1] whether *comitiales* or not. Also henceforth it was not to be permitted to block public acts or meetings by augurs' reporting that the celestial signs were prohibitive. As the Auspicia were in the hands of the aristocracy, these usages formulated into law by the sheer weight of unbroken and unopposed practice and tradition, had often indeed, "weakened and curbed the madness of Tribunes." [2] Tribunes could not even summon a "concilium" [3] plebis, if the auspices, i. e. the aristocratic guardians of the commonwealth, would not permit. These "laws" had stood when the Gracchi, when Saturninus, when Livius Drusus had challenged the prerogatives and provoked the displeasure of the privileged class. Even more palpable was the restoration of the collegia [4] or clubs, which Clodius knew how to organize, and which, at any given time, were to serve his hand-to-mouth policy of interfering with law and order, to intimidate obnoxious personages in public life,

[1] Botsford, Assembl. 441. Madvig Vf. 1, 247, 253. According to him there were 184 *dies fasti;* cf. Lange, 3, 297 and the passages gathered by *Orelli*, Index Legum p. 126 sqq.

[2] Vatin. 18.

[3] Botsford, 132 sq.

[4] De Collegiis et Sodaliciis Romanorum scripsit *Th. Mommsen*, Kiel, 1843. cf. Zur geschichte und organisation des Römischen Vereinswesens, von *W. Liebenam*, 1890, esp. p. 24 sq.

and to bring the sinews of the body politic to the snapping point. (Cf. Cic. Sest. 55.) Irresponsible violence, homicide if necessary, were often the tasks and assignments of these bands. It is not probable that these measures should have deceived anyone as to their design. The virtual abolition of the censorial *nota* was a measure by which Clodius virtually adjusted the Great Council (deeply honey-combed with, and often leading in, the moral depravity of the fashionable decadence) to the times. The programme of the Claudian commoner, at least in its general outlines, cannot have been concealed from Caesar and Pompey, when they permitted his transition to the common people. The adoption of these measures as *plebiscita* came in 58, and was greatly facilitated by the consular agents and creatures of the dynasts, viz. by Gabinius and Piso. One marvels at the impotence or apathy of the senatorial class, though our surprise can never equal that of the chief victim of Clodius. Cicero in fact was now rapidly approaching the catastrophe, which had been a dark and constant cloud on the horizon of his political forecast since the Nones of December, 63, and which his personal feud with Clodius had so efficiently quickened and accelerated. The "Law" against Cicero was distinctly retroactive.[1] In the course of his agitation for it Clodius had also called a *contio* outside of the walls, so that Caesar, who was *cum imperio*, might address the commoners there. (Dio, 38, 17.) Caesar condemned the illegality of the executions of the Nones of December 63, but he declared himself as opposed to retroactive punitive legislation in principle. This law however was passed; it provided that whoever had caused the death of Roman citizens without regular trial, "should be forbidden fire and water," i. e. banished from all communion with his fellow citizens. It was like an act of attainder; for the guilty one was declared one who had forfeited everything but mere life. Formally Cicero was not named. Actually it was as Cicero later called it (Piso, 30) a tribune's proscription enacted by a personal enemy: Cicero, who knew those earlier times, was reminded of the wanton vindictiveness of Sulla. Cicero felt that the traditional preeminence and primacy of the Senate itself fell, when he was struck down: who will find fault with him for this identification? He changed his garb,[2] as did a goodly part of senate and knights, and their retainers and dependents. He personally went about in

[1] Liv. 103. Dio 38, 14. Vell. 2, 45.

[2] Plut. Cic. 30. 31. Cic. Post Redit. ad Quir. 8.

streets and lanes meanly clad, importuning all he met to have mercy upon him. He was like one of those figures so often aiding his own perorations on the cases, before the juries, whose very appearance and outward presence was calculated to move commiseration.

Appian's sketch and reflexions, 2, 15, are bitter and unfriendly: one is tempted to see here very positive traces of Asinius Pollio, whose sketch of Cicero's character as preserved in Seneca Rhetor we know to be exceedingly sweeping and severe.

He cast himself at Pompey's feet, for whom eight years before he had composed and spoken his splendid Manilian discourse. The dynast did not bend down to raise him up. The consuls Piso and Gabinius forbade public mourning by an edict. We may dismiss these puppets of the dynasts and ask what the dynasts themselves did or allowed to be done in this bitter crisis of Cicero's life. Somewhat later when everything was more clarified, Cicero held that the same men who had kept Bibulus from leaving his house, were the ones who had compelled him to leave his own. (Fam. 1, 9, 7.) It does seem that the surface of life and sentiment in Rome and Italy was mightily stirred. But there were no leaders, whereas in the anti-Ciceronian camp everything was highly organized. Some of his political friends did not defend him, others forsook him. Cicero is unable to speak with moderation of the aforesaid puppets as he is of anyone whom he hates. To burden this page with any of his numberless sallies of fury and bitterness would be merely to emphasize one of the weakest sides in Cicero's temperament and character. The assurances of Pompey proved a rope of sand. The primary factor after all was Caesar's consent to the *lex curiata* permitting the plebeian adoption in the spring of 59. Caesar feared [1] Cicero's debating power, when he was gone, as a hostile force for his new combination. But he was not rancorous. And Clodius vaunted [2] in his public addresses on the Forum, that he was proceeding against Cicero with the active approval, nay on the suggestion of Pompey, Crassus and Caesar. These great names Clodius brought forward daily. Caesar had a considerable army near the capital then, being on the point of hastening to Geneva. The daily citation of the Triumvirs is a fact which we must hold firmly.

[1] Plut. Caes. 14: ῥᾳθη δὲ ἐπὶ τῇ Κικέρωνος καταλύσει

[2] Sest. 39–40.

Of Dio's presentation (38, 15) a few salient features may here be set down. Caesar urged Cicero to withdraw, Pompey, to stay, intimating that the orator's withdrawal would be downright desertion of his post. The antithesis impresses one who is familiar with Dio, as subjective construction or pragmatizing inference. Dio appends to Caesar's advice as a corollary the latter's offer of a legateship in Gaul, whereas the post had really been offered to Cicero in the preceding year.

When we look at the larger elements of the general situation, Cicero's exile in a way is a testimony to his parliamentary eminence. Could Cicero have organized any defense by force and arms? After his return he tried again and again to persuade both himself and his friends, that he could have done so, but I doubt it very much. The alternative of civil war is very positive in Plutarch, 31 (Tiro), precisely as it always appears in Cicero's post-exilian speeches. Pompey kept out of Cicero's way as much as possible, even out of the capital, staying at his Alban villa. Cicero first sent out his son-in-law Piso, then he went up himself. But Pompey was ashamed to see him at that time; after all he was Caesar's son-in-law. He escaped by some rear door, literally running away from the suppliant. Lucullus alone urged him to stay and face the issue. Before going away Cicero took from his mansion a statuette of Minerva, which he cherished very much,[1] transported it to the capital and set it up in the open, with the inscription, "guardian of the city." It was a symbolical act: Wisdom of political administration which had so long abided with him and his political intentions, now, as by a parting vow, was to be the same for the commonwealth at large. The senate commended the illustrious exile to communities, kings and princes.[2] He left behind all he held dear, and all the considerable estate which his splendid industry and integrity had gained for him in twenty-three years; likewise he left for Atticus's care his wife Terentia, his beloved daughter and little Marcus, a child of seven years. The orator fled from the capital of the Mediterranean world before March 28, 58 B. C. He rested first on the estate of a friend Sica, near Vibo, on the coast of Bruttium, but not long. For immediately after Cicero's departure his arch-enemy had a further plebiscitum enacted, which decreed specifically and by name, that Cicero must withdraw at least four

[1] Legg. 2, 42, 1. Plut. 31. fin.

[2] App. 2, 15.

hundred miles from Italy.[1] Thus his plan for sojourning in *that* province, where he had so many warm and sincere friends, Sicily, had to be abandoned. At home his property was threatened as that of a traitor against the commonwealth. Soon the Palatine mansion was in flames after having been sacked; Gabinius and Piso were feasting meanwhile. The Arpinate in effect was declared a public enemy. The very S. C.[2] which after Cato's appeal on Dec. 5th, 63 had empowered Cicero to order the execution of the Catilinarians, was formally decreed to have been a forgery of Cicero's (Dom. 50.) A penalty was included for those who would hospitably receive him. On the site of the Palatine mansion or using a remnant of the building, the brother of all the Clodias consecrated a shrine, or an *area* for a shrine, to Freedom. This, with the destruction of all the villas of the exile in Italy, was the answer to the charge of unspeakable impurity so often made by the consular against the disciple of freedom. The former husband as well as the paramour of Pompeia thus jointly removed from Italy the parliamentary leader of the aristocracy. Truly Politics makes strange bed-fellows! No legislative initiative should ever be permitted at Rome to propose his recall. More interesting and important for this work is the complete uncovering of the exile's inner being as he passes through these depths of tribulation. His point of view and his sentiments are our chief concern. It seems that when the storm broke at last, his bosom friend had great difficulty in keeping him from suicide. (Att. 3, 3.) From Vibo he travelled in despair across lower Italy toward Brundisium. He begged Atticus to come down and be his travelling companion. On April 7th he was in Thurii.[3] He then thought that Cyzicus on the Propontis would be his ultimate objective point. On April 18th he was in the territory of Tarentum. From Brundisium on April 30th he wrote to the mother of his children (Fam. 14, 4): "Would that I had been less eager to live! But if Fortune has reserved me for some hope or other of recovering some comfort at some time or other, then I have acted not entirely in the wrong (in abstaining from suicide); if

[1] Lange 3, 303. *de Dom.* 44, 47. Schol. Bob. 309. a specification of this law against his person: *Att. 3, 15, 6:* Astute scripsisti ad me quoddam caput legis Clodium *in curiae poste* fixisse, ne referri neve dici liceret. Scil. as to Cicero's restoration.

[2] Senatus Consultum.

[3] Thus Tyrrell and Wesenberg VIII Id. others read IIII Id.

(however) my present troubles are unalterable, I desire to see thee as soon as possible, my Life, and die in thy arms." M. Laenius Flaccus at Brundisium entertained the wandering exile for thirteen days. Is anything of Terentia's property left from spoliation? "I have lived (ib. 5), I have had my prime; it is not a lapse of mine, it is my very merit that has cast me down. I have nothing to accuse myself of, except that I have not thrown away existence together with the equipment of the same. But if it was more pleasing to my children that I should live, let me endure the rest, though it is unendurable." Eastward certainly was his path, but in Greece, his first choice, there was his mortal enemy, Autronius (Att. 3, 7), one of the Catilinarians in exile, a man whom, early in 62, he had refused to defend or to aid in any way. He could not therefore choose Athens for his residence. "You have, my dear Atticus, stayed my own hand from attempting my own life, but you cannot prevent me from feeling profound remorse for my having acted as I have, and for living on." At this time the fugitive begins with great persistence to direct his bitterest condemnation upon those who envied him, false friends, whose sense of inferiority induced them to advise him to flee from Rome. Later on he reveals these suspicions further (Att. 3, 9, 2): he names Hortensius outright. "This I say positively (Att. 3, 7, 2) that no one was ever visited with such disaster, that death to no one was ever more to be wished for; the most honorable emergency for meeting which I have permitted to pass by." Here probably he meant the alternative of organizing a forcible resistance to Clodius, and perishing in arms and amid arms. The prospect of meeting Quintus (then returning to Italy from Ephesus and from his province) was agonizing to Marcus. From Brundisium he sailed to Dyrrachium (Durazzo). At Pella in Macedon he met a freedman of brother Quintus. Soon after on May 23 he arrived in Thessalonica on the Thracian Sea. (Att. 3, 8, 1.) It was to be the most easterly point of his wanderings. Even then he was full of apprehension that his brother would be indicted for provincial misgovernment (repetundarum) upon his return. The eminent antiquarian and man of affairs, Tarentius Varro, who stood well with Pompey, had been active in Cicero's interest. About this time the exile himself wrote to Pompey. (Att. 3, 8, 4.) The torturing self-communings of the unhappy man had settled on his old rival: Hortensius was the chief culprit in the record of recent events. He

began to persuade himself that Pompey after all was not so much to blame. He was glad to avoid seeing his brother. The latter's impending troubles, it would seem, were due entirely to the fact that he was the orator's brother. Deeply depressed by all the actual circumstances of the day he saw but evil in the future. Poor Quintus in turn had been sorely distressed, because slaves of Marcus had reached him bearing no communication from the latter. (Quint. Fr. 1, 3, 2.) When Marcus eventually did write, tears interfered with the task of composition. He felt indeed solitary and forlorn. His sanguine and optimistic temperament was crushed: "No practical wisdom or mere erudition either (ib. 5) is strong enough to endure so great a grief." Before leaving Rome, Cicero had drawn from the treasury certain sums which were due to Quintus. These had all been spent (ib. 7), and spent in vain. What for? Not for facing exile. Nepos relates (Att. c. 4) that when Cicero was in exile, in fact had left Rome, Atticus presented him with 250,000 sesterces ($11,000.00) as a free gift. — When you reach Rome (ib. 8), my dear Quintus, keep strictly private my sentiments as to Hortensius. I hope you will create pity for me at the capital. As for Pompey I think he is a pretender. — A sentiment like that of the *Envy* of the Gods (so frequently occurring in Aeschylus and Herodotus) is alive in him. In the month of June at Thessalonica: "I would pray to the gods for this, had they not ceased to hear my prayers. But still I do pray that they be content with these boundless troubles of mine. In these however there is no evil repute due to any wrongdoing, but all my grief is this, that the most worthy achievements have been visited with the greatest penalty." [1]

Atticus at Rome meanwhile, calm and shrewd by disposition, and being then at the center of affairs, chided the exile's utter despair. (Att. 3, 10, 2.) He informed him also that the coalition of Pompey, Gabinius and Clodius had not lasted long, but that the Tribune was at odds with the other two. — You chide me for my despair, but, "was anyone ever hurled from so fine a position, while maintaining so sound a principle, endowed with such resources of mind and deliberative faculty, hedged in by such a bul-

[1] Years afterwards, when he looked back upon the entire crisis more calmly and with a clarified vision, he wrote (Fam. 1, 9, 13) "iecit *quidam casus* caput meum quasi certaminis causa in mediam contentionem dissensionemque civilem." What was this *casus*, this contingency?

wark of the better class? Can I forget what I have been?" In July, while still at Thessalonica (Att. 3, 12, July 17), Cicero was greatly troubled about a publication which he now keenly regretted. I believe it was the speech against Metellus Nepos. For the latter now had been elected consul for the next year (57 B. C.). How wretched and awkward. Cicero had been provoked by the fact that his adversary had published first.

Tyrrell thought of the speech in Clodium et Curionem, but after the fearful revenge of Clodius, in the spring 58, the bridges had indeed been burned. For Tyrrell's view perhaps Att. 3, 15, 3, could be adduced. Almost every consideration of the circumstances then prevailing would seem to favor the assumption that the Metellina is meant.

How did mine ever come to be published? Possibly I might deny my authorship now. See to it, if it could not be disavowed now; it is composed with less care than my speeches generally are. Clearly the personalities of Metellus Nepos and Lentulus Spinther, consuls elect, now loomed up large to the political vision of the exile. Atticus had informed him quite correctly as to the chances of the candidates. Of the new tribunes one was Sestius, who excelled in devotion and industry to help towards Cicero's recall. He, as well as Atticus and his own son-in-law Piso,[1] urged him not to go further eastward away from Thessalonica. There were other Tribunes elect (for 57) quite friendly and loyal,[2] but Cicero still stood in dread of his arch-enemy, Clodius. Cicero feared that even in private station Clodius would be able to rouse popular assemblies to a high pitch of excitement, and, in the senate, provide some functionary, probably some Tribune, who could block all measures which might be initiated there for the orator's recall. Gradually the latter became calmer and took a saner and truer view [3] of the factors which had brought on his exile. As to the future he knew well that words were easier than deeds. On August 19th for the first time he writes of his return as of at least a possible contingency of the future.

There is then a ray of sunshine let into his dark chamber of

[1] Quint. Tr. 1, 4, 2 sqq.

[2] Such as *Curius, Annius Milo, Fadius* and *Fabricius.*

[3] Axius too communicated to Cicero at this time the minutes or action of the Senate of a given day, the *acta,* which now, under a Julian law, were given out to the public. Att. 3, 14, 2. cf. *Peter,* geschichtl. Liter. I, p. 205 sqq. Suet. Caes. 20.

brooding and despair. Cicero's friends at home began to suggest that all of Clodius's legislation against Cicero might after all be brought into the category of a *privilegium*[1] (Att. 3, 15, 5), i. e. legislation directed against an individual, and therefore null and void. Varro's remarks, as transmitted through Atticus, gave Cicero hope of Caesar's support. Under the first general law of Clodius, he now sees, he could have remained calmly at Rome. He was foolish in changing his garments then and supplicating the citizens on the streets. — I shall (ib. 7) at Thessalonica wait to learn what transpired on Sept. 1st. These news must determine then, whether I shall go further away, to Cyzicus, or turn homeward as far as the coast of Epirus. — As for any contingency of having his brother's provincial administration brought into court, he was doubly anxious (Att. 3, 17, 1), because Appius Claudius, the oldest brother of Clodius, was in 57 to preside over that *Quaestio.* In the latter part of the summer, Pompey, who had acutely suffered at the hands of Clodius, determined to favor Cicero's recall. (Att. 3, 18, 1.) He had written to Caesar (then engaged with Ariovistus) to secure his consent to the restoration. On October 4th (Att. 3, 20, 1) he congratulates Atticus on a pleasing experience of the latter. The bosom-friend had been made the heir and adopted in the will of his maternal uncle, gruff and rich and parsimonious old Caecilius. Atticus thus at one stroke[2] added ten million sesterces ($440,000) to his former fortune, and Pomponius Atticus henceforth was Q. Caecilius Pomponianus. "I hope to celebrate the natal day[3] of my return with Thee and Mine in your charming mansion." In a letter of October 5th (Fam. 14, 2) we learn at last some of the extreme tribulation to which Terentia had been subjected after her husband went away. When the bands of Clodius burst into the Palatine mansion, the poor lady fled to her sister Fabia in the establishment of the Vestal Virgins on the Forum. From this asylum she was compelled to come forth in person and make certain declarations as to property at the Tabula Valeria.[4] The letter by the bye is liberally interspersed with terms of endearment, but

[1] Mommsen, Sts. vol. 3,336. cf. de dom. 43. Sest. 65. — noted even in the XII Tables.

[2] Nep. Att. c. 2.

[3] Diem natalem reditus mei: not the first anniversary of it, but the actual day on which Cicero's return came into being.

[4] cf. Schol. Bob. 318.

there is no reason in so emotional a personage to question their sincerity. The first letter from the coast of Epirus is dated at Dyrrachium on November 26th (Att. 3, 22), the initial part of the missive having been penned at Thessalonica. In that sojourn of exile he had been much beholden to the hospitable attentions of Plancius, quaestor of Macedon. The latter hoped to return to Italy in company with his illustrious guest, and was perhaps not quite free from a politician's calculation of reflected prestige. To his wife he writes on the same date: "If we have (the support of) all the Tribunes (of 57), if Lentulus is as devoted as he seems, if indeed we have even Pompey and Caesar, there is no need of abandoning hope." Cicero strongly urges his wife not to sell a certain village which was part of her dowry, but to keep together her private fortune at least for the benefit of little Marcus. The eight Tribunes devoted to Cicero (among them Ninnius) had been active for him during the autumn just past, but everyone knew that a new order of things was impending with the incoming consuls. He was informed also of bills which some of the new Tribunes intended to offer, such as that of Fadius, drawn for him by an eminent jurist. (Att. 2, 23, 4.) The test of misery had shattered many fond fancies of the Arpinate: he realized more than ever that brilliant qualities and striking achievements may draw admiration, but will no less breed envy, and chiefly the latter. (Fam. 14, 3, 2.) He has learned that his bitter enemy of 62, Metellus Nepos, soon to be invested with the consular power, has laid aside the ancient feud (letter of Dec. 10th, Att. 3, 25, 2).

The aedileship of a later client of Cicero, M. Scaurus (a step-son of Sulla), might be briefly noted for this year. Suringar, p. 682, cites from Pliny, N. H., certain data of games given by the aedile. One learns very impressively from this concrete example how aspiring politicians ruined themselves in order to gain the favor of the crude electorate of Rome by crude shows. Among beasts produced were 150 African panthers; a hippopotamus, and five crocodiles in an artificial "Euripus"; 3000 pieces of statuary were exhibited in a temporary theatre; 360 pillars were placed on the stage of the same. These were 38 feet high each, chiselled out of so-called Lucullian marble. All for votes in further pursuit of "*honores*."

Sestius (71 Sest.) actually travelled to Gaius Caesar, after he became Tribune elect, and before Dec. 10th, 58 B. C., in behalf of Cicero's restoration.

## 57 B. C.

On the Kalends of January the consul Lentulus Spinther[1] had the senate discuss the question of the recall of Cicero. The adoption of the S. C. to authorize his restoration seems to have been well-nigh unanimous. The former censor L. Aurelius Cotta[2] indeed took higher and stronger ground. The senate, said he, should not adopt any formal resolution at all, for thus (indirectly at least) it would acknowledge the enactments of Clodius as legal and constitutional. No one could be expatriated without due process of law, without a trial by jury. A single tribune came out in opposition, but mildly; his name was Serranus. He demanded a night's reflexion on the whole matter. Clearly the undoubted rush (like the tide) of the sudden prestige of the audacious renegade nobleman seems largely to have vanished after one year's experience by men in public life. Pompey approved the senate's favorable action (Sest. 74), but thought People and Senate should cooperate in this business. On January 25th (Sest. 75) the matter came up again. Long before daybreak the bands controlled by Clodius had occupied Forum and Comitium; in due time there was riot and bloodshed. Quintus barely escaped with his life, by crouching, while it was dark, beneath the bodies of slaves and freedmen.[3] The blood was wiped from the Forum with sponges. As for Nepos, the old legate of Pompey, he could not very well antagonize his commander in chief,[4] but should we withhold from him all nobler motives? The genuine activity then shown on the part of almost all magistrates was not ordinary. All praetors, e. g. excepting Clodius's brother Appius, promulgated the bill of Fabricius. A goodly part of the year was spent in mutual political attacks and manoeuvering for position. The direct power and prestige of the polyglot mob and the quasi-civic gatherings of Forum and Comitia had come to be a very real thing.

The bands organized on both sides exhibited the same constituency of cosmopolitan ancestry, but were organized to do the will of the contending politicians. Rome had subjected the Mediterranean world: the rabble drawn from that world, being

[1] *Pis. 34.* [2] Sest. 73–74. de dom. 68.

[3] Plut. 33 misread either *Pro Sestio 76*, or the corresponding section in Tiro.

[4] It is not necessary to assume with *Dio 39, 8* that Metellus Nepos was overawed by his colleague and by Pompey.

without any civic virtues, nay without any civic consciousness, was now breaking up the old republican order, and the semblance of law and constitutional procedure had almost been worn threadbare. Cicero's political foes actually stopped the movement of political business, in February,[1] e. g. the ordinary discussion of public affairs was made impossible, there was a general inhibition of courts, popular assemblies, of senatorial debate. It was, if not a reign of terror, one of almost universal intimidation and public paralysis. Deep down and quickening the seething mass of this political whirlpool was the ancient pride and haughty contempt of the Claudian house, directed with irreconcilable hatred at the Arpinate upstart whose tongue and pen had dragged them through the mire. The coterie of emancipated Clodias probably was not less active than their brother, who was indicted *de vi*[2] but never tried. The quaestors through whom the jurors had to be drawn, had themselves not yet been chosen, and the consul Metellus Nepos forbade the praetor concerned to admit the case or institute trial before the drawing. Clodius himself was a candidate for the aedileship. Finally Milo as well as Sestius organized bands like those of Clodius. Both the consul Lentulus and Caesar's fellow dynast, Pompey (Sest. 107), eventually addressed mass-meetings on the Forum, in Cicero's interest. (There is not preserved for us any correspondence of Cicero in this spring and summer.) But at last the agitation of Cicero's arch-enemy exhausted itself. In July in the temple of Jupiter Optimus Maximus on the capitol there was passed an S. C. commendatory of Cicero (Sest. 129). Pompey read his speech from manuscript (*de scripto*). In the voting of the great Council Clodius was the only senator dissenting. The next day auxiliary decrees were passed in the Curia preparing for the action of the people. Metellus too presided over the debate about this matter. Old Servilius Isauricus made a touching appeal, recalling the splendid services of distinguished Metelli of the past, stirring perhaps some nobler feelings in the presiding magistrate Metellus Nepos. Many citizens had come to Rome from many parts of Italy[3] to lend to this movement the weight of their voice. This Lex Cornelia then (Cornelius Lentulus was its proposer) was adopted in Comitia Centuriata on August 4th, 57 B. C.

[1] *Post red. in Sen. 6:* nihil sociis, nihil regibus respondistis.

[2] Dio 39, 8. App. 2, 16.

[3] *Post red. in Sen. 25.*

(Sest. 109). On that very day Cicero sailed for Italy from Dyrrachium, reaching Brundisium on the fifth. There he embraced his beloved daughter Tullia; it happened that this was her birthday also. (Att. 4, 1, 4). On the 8th of August he learned of the formal adoption of the Cornelian Law. His journey to Rome was like the progress of some princely personage. Deputies of the communities through which or near which he passed, presented official congratulations. Far out of Rome multitudes came forth to welcome the exile, all in fact (ib. 5) "except those personal enemies who are not free either to dissemble or deny this very thing, viz. that they were personal enemies." "When I had come to the gate of Capua, the steps of the temples were filled with masses of the humblest class. When these had expressed their congratulation to me by the very loud clapping of hands, a similar massed multitude attended me as far as the Capitol; on the Forum itself and on the capitol there were marvellous numbers; on the next day which was the 5th of September, I delivered a speech of thanks to the senate."[1] Here we observe that trait of Cicero's temperament which was one of the most essential qualities of his entire personality. Sentiment and emotion determined, if not his action, then at least his measured and deliberate utterance. Gabinius (now in Syria), Piso Caesoninus (now in Macedon), the one placed in the consulate by Pompey, the other by Caesar, — the orator knew perfectly well that at bottom it was the agreement of the two dynasts, which had made possible his restoration. Of course he does not put it that way. But his chief theme in that ostensible speech of gratitude is to vent his abysmal hatred for Gabinius and Piso. After such tribulation, after such depths of despair, one would expect a certain moderation, some measure of caution, some distrust of the future. He does indeed call the consul Lentulus the "parent and divinity of my life" (8), his expressions of obligation to Pompey are profuse, but the dominant note is a veritable paroxysm of hatred for those brokers in provinces who sold his own misery to Clodius for these same provinces. This bottomless depth of rancor, of hatred, of revenge, uttered without any moderation, is the soul and spirit of his first pronouncement after his restoration. Where was all his philosophy and noble lore of the Attic schools? We shiver at this fury, although we know that every-

[1] Planc. 74: Recitetur oratio, quae propter rei magnitudinem *dicta de scripto est*. He had no time to memorize.

where in the ancient world the axiom of hating your enemy and of requiting him with overflowing measure, was held in full honor and unquestioned acceptance. And still there was another and a better voice in his breast (23): "It is not in consonance with the present situation of my affairs (mei temporis) to nurse the memory of wrongs, which even if I could avenge, I would still prefer to forget. To another object must my whole course of life be shifted, viz. to render thanks to those who have deserved well of me, to maintain friendships which have been tested by fire." When we briefly glance at the discourse of thanks delivered before the people (a *contio*), the general theme is obviously the same, but the whole is milder and more temperate. Of course he cites other distinguished exiles like Metellus Numidicus (6), like Marius of Arpinum. No array of aristocratic kin to intercede for me; before I fled however, some twenty thousand persons put on the garb of public mourning, but when I was gone, Quintus alone could be recorded as appealing to pity. (Atticus had different activities.) Terentia (8) and little Marcus seem to have weathered this bitter time at some spot away from Rome. Of some historical importance is the reference (13) to certain elements of the aristocracy: men of the very party of which I was accounted a leader, forsook me then, some of them because they were moved by envy of myself, and some, because they feared for their own security. As for myself I withdrew "because I deemed it a grievous thing for the commonwealth to have me gain the victory as well as to be vanquished." Cicero's infinite sensitiveness was still one of the decisive elements in his being, still a supreme motive for his action. Cautious reserve and equipoise on the stage of public life were still foreign to him. They simply were not in his nature. A taunt, a slight, a sneer, an unfair imputation could still stir him to extreme anger, and the passion of revenge was powerful in his soul. *His pride gloried in the sentiment* (incessantly repeated henceforward) *that constitutional government was in abeyance, while he was in exile, and it was only in his own restoration that it was restored.* "If anyone thinks that my purpose is changed, that my manhood is impaired, he is grossly mistaken" (19). His reference to the exile of his fellow Arpinate Marius is adroit and eloquent. How must his youth have been thrilled by that man and his great and checkered career, a man whose life and victories he had extolled in an epic of his own youth, a man who

resembled himself in this too, that he had striven upward without any commendation of ancestors.

His arch-enemy Clodius would not confess defeat even then. His policy was to rouse the populace of Rome in some way and create odium for those men in public life who at any given time opposed him, Clodius himself the stormy petrel of those turbulent seas. There happened to be a dearth of grain [1] when Cicero returned. Was a sudden congestion of Italians in the capital really so potent to raise the price of bread? Clodius certainly did stir up the lower strata of the population there to make riotous demonstrations. They drove out the vast audience seated to view the Apollinarian games of that season, presided over by L. Caecilius Rufus.[2] The streets of Rome, the very Forum, were insecure. Cicero himself [3] for a while did not dare to stir abroad, fearing for his life at the hands of bands of Clodius. The senate, presided over by Metellus Nepos, met in the temple of Concord.[4] But there too the people gathered, and surging about the temple clamored for relief. The political history of Rome was still a hand-to-mouth affair and swayed by sudden temporary exigencies of which demagogues like Clodius promptly availed themselves. Cicero himself considered the emergency as one in which he could prove his gratitude to the Only one. Caesar was deeply engaged with the warlike Belgians on the Sambre and elsewhere. Cicero made a motion to request Pompey to assume this new task of relieving the trouble of dear bread, and moved also that this power be defined by specific legislation. (Att. 4, 1, 6.) On the next day there was a fully attended session of the senate. Consular after consular arose and approved all of Pompey's demands. The consuls drew up a bill which was to give Pompey control of the grain supply in the entire Mediterranean world. (Att. 4, 1, 7). The tribune Messius, then a servitor of Pompey's, demanded more, viz. unlimited funds, a fleet, an army and a governmental power greater than that of the actual governors in the provinces. Pompey said that he preferred the former, but his intimates

[1] Att. 4, 1, 6. "because it was Cicero's return which brought the unusual numbers to Rome" (Tyrrell). "Eine durch Misswachs entstandene Theuerung," (Lange 3, 315).

[2] Ascon. p. 48.

[3] de dom. 6.

[4] *Dio 39, 2* (Livy?) rather closely after Att. 4, 1. However, Dio's explanation of why the mob gathered in the theatre is his own and not in strict conformity to Atticus.

hinted that he preferred the latter. The most urgent concern of Cicero at this time was how he might repair the wreck of his private fortunes. The Palatine mansion then, by far the most costly of his possessions, held the first place. Clodius, as we say, had consecrated the ground, and even erected some kind of structure there, hallowed to Freedom. The Pontifices had the entire matter under consideration. On this subject he addressed those functionaries on Sept. 30th, 57 B. C.

'The matter was pleaded by me, and if at any time I have been something in oratory, or even, if I have never been so on any other occasion, then indeed my sense of wrong and the importance of the theme gave me a certain force of utterance. Therefore the speech must not be withheld from our youth, which (speech) even if you do not want it, I shall speedily send to you.'

The first hundred paragraphs deal with Clodius and the acts of Clodius, and all the bitterness and vindictive energy of Cicero are vigorously revealed. While in the main a discourse of retrospect, this speech is replete with historical data. Cato, e. g. was removed from Rome, in the tribunate of Clodius, to organize Cyprus as a part of the empire, in order that he might be deprived of the opportunity to make his protests against the bestowal of extraordinary powers.[1] To be concise: the chief point is, that the very adoption of Clodius was irregular and so illegal (34–40), hence all his legislation ensuing was irregular and illegal. The Pontifices indeed were moved by other considerations and formulated their decision as follows: "If neither by order of the People nor by a plebiscitum the person (Clodius) who said that he had performed a dedication, had by name been put in charge of the matter, it seemed feasible that that portion of the area be restored to M. T." (Att. 4, 2, 3.)

Even then Clodius attempted to stir up the populace against the returned exile. Cicero was waiting for the specific action of the senate. Here too Clodius and one Tribune (Serranus) strove in vain to delay matters. On October 2nd a decree of the senate was adopted which granted to Cicero for the rebuilding of the Palatine mansion two million sesterces ($88,000) with which he was fairly content. Not so however with the other grants of indemnity: 500,000 sesterces ($22,000) for his Tusculan villa, and half as much for the one near Formiae. It would be in vain

[1] The summary of *de domo* in Dio 39, 11 is strikingly correct: is it direct also?

for me, he proceeded, to protest: "The same persons, my dear Pomponius, the very same ones, I say, whom not even you fail to recognize, who had cut my wings, do not want the same to grow again." Cicero was not far from fifty. Cicero had accepted from Pompey a deputyship in the grain supervision but so as not to be hampered in any respect. He had some desire of standing for the censorship if the consuls of 56 B. C. should hold such an election. At this time he actually thought of offering his Tusculan villa for sale, but in the end he probably thought better of it. (Att. 4, 3, 7.)

Dio, who systematically belittles Cicero and impugns his motives, somewhat ineptly drags in here Cicero's ἀνέκδοτα, as directed against, Caesar and Crassus. In other ways Dio's psychological judgment is good, but he overlooks the fact that that cryptic political memoir was planned in 59, *before* the exile, *not after* it, and Dio's construction, that Cicero as a burned child feared publicity, in consequence of the bitter experience of exile, is utterly fanciful in the given case.

About this time Caesar had successfully completed his campaigns in Northern Gaul. Both the Belgae and the other continental Kelts then seemed to have been brought under the sway "of the Roman people." (B. G. 2, 34.) Before the general himself hastened to Northern Italy and to Illyricum, his bulletins to the government were read in the senate. In accordance with the splendid purport of these bulletins, a fifteen days' Thanksgiving was voted by the Great Council, a celebration which thus exceeded all those which had gone before. Cicero made the motion in the senate.[1] In 63 in Cicero's own consulate, when the death of Mithridates was announced on the Tiber, the orator himself had proposed to double the number of days of consular thanksgiving from five to ten. Thus the defender of the constitution, somewhat imperceptibly, began to lend his great talents to the aggrandisement of the dynasts. Clodius still troubled him much. On November 3rd armed men rushed in and drove out the artisans working on Cicero's Palatine mansion; an attempt was also made to wreck or destroy the adjacent house of Quintus Cicero on the same day, so that the latter deemed it wiser to seek shelter in the vestibulum of Tettius Damion. (Att. 4, 3, 3.) Compared with the furious violence of his arch-enemy, Catiline in reminiscence impressed him as respectable. Clodius also attacked the

[1] *De prov. Cons.* 26.

house of Milo in the Cermalus (the westerly part of the Palatine hill) but was driven back in utter rout, so as to be compelled to flee into the inner apartments of P. Sulla's mansion. Milo indeed came to be no less effective in baffling the aspirations for Aedilician honors on the part of Clodius than the latter had been in causing Cicero's discomfiture in the preceding year. Milo was charged (Att. 4, 3, 5) with being Cicero's servitor; actually, however, he needed no inspiration. The general situation was one which rendered it quite probable that Clodius might perish in some street-brawl at any time. In the waning year Cicero felt but ill-content with the state of his fortune.[1] We notice that he had leaned heavily on his brother during the period of tribulation and before the government began to indemnify him for the ravages of Clodius. But Cicero never entertained the idea of indicting Clodius himself. In the domain of domestic consolation and reunion he curiously mentions only Quintus and his daughter, Tullia. The allusion to Terentia is veiled, though not entirely concealed. Evidently a certain alienation had set in.[2]

In the latter part of December, not long before[3] the Saturnalia, there was a well attended session of the senate. In this Rutilius Lupus spoke against the Campanian land law of Caesar. Cicero was present. The speaker utilized arguments which Cicero had used against the agrarian bill of Rullus, some five years before. These speeches therefore were in circulation, published probably by Atticus. Charges too were made against Pompey, then absent, in the duties of grain matters. The latter part of the session was held under the presidency of a Tribune Racilius. There was no voice either of approval or dissent. There was no vote. A further theme of debate was the question whether Clodius should be brought to trial for his recent acts of riotous violence. In this discussion the orator took a vigorous part. Clodius himself spoke, intending to stave off any action until darkness would compel adjournment. But before dusk the bands of Clodius began to riot outside, and the Fathers amid vigorous complaints adjourned in a very informal manner.

It remains that we notice a peculiar act of the restored

[1] *Att. 4, 3, 6:* re familiari comminuti sumus.

[2] Cetera quae me sollicitant, *μυστικώτερα* sunt. Amamur a fratre et filia. *Att. 4, 2, 7.*

[3] sub dies festos, Q. Fr. 2, 1, 1.

Cicero[1] which may have been assigned to the earlier part of next year, or to the last of this: Plutarch says not long after his return. Watching his opportunity, when Clodius was out of town, he went up to the capitol, where the archives were kept, removed the bronze tablets by force, which contained the acts of Clodius' Tribunate, and destroyed them. Now Cato, it seemed, returned from his mission to Cyprus early in 56, at least before January 56, and when he returned that act of Cicero's had been accomplished. As his own Cyprian task was assigned to him by the same legislative initiative (of Clodius) there sprung from Cicero's act an alienation which lasted for quite a while.

[1] *Dio 39, 21–22. Plut. Cic. 34:* χρόνον δ' ου διαλιπὼν πολύν. *Plut. Cat. Min.* 40.

## CHAPTER FIFTEEN

### *CICERO LEANS ON THE DYNASTS*

Atticus returned from Buthrotum by the end of January.[1] Ptolemy Auletes, the last adult king of Egypt of that Greek dynasty, had been compelled in 57 to flee from Alexandria. His rule had been oppressive. His installation had cost him vast sums paid to Roman politicians. The Egyptians certainly did did not wish to receive him back. A delegation had come to Rome from Alexandria to counteract his efforts. The most eminent member of it was the philosopher Dio, whom the king caused to be poisoned in Rome. The king's chief agent was a certain Hammonius. (Fam. 1, 1, 1.) On January 13th (Fam. 1, 2, 1) Cicero himself took part in the debate, making a long speech.[2] Ancient commentators understood many of the bitterest passages as meaning Crassus, particularly those arraigning cupidity and greed. We know that the great financier, when Censor in 65 B. C., nine years before (Plut. Crass. 13), had set out to have Egypt made a province of the empire, but was foiled by the opposition of his colleague, Lutatius Catulus. Of course *now* under a king restored by Rome, Egypt would be little more than a tutelary domain, the king being beholden to certain powerful politicians. Crassus had openly come out for armed intervention (fragm. 6, Müller), citing as a precedent the war with Jugurtha, the usurper of Numidia. Cicero openly attacked, for it was rife and palpable, the idea, that, as far as the senate was concerned, it was simply a question of bargain and sale. Incidentally [3] Cicero said that the king's annual revenue was not less than 12,500 talents. The task of this "restoration" then was not great, but the wealth in prospect for the restorer was sure to be great. Lentulus, consul of 57, to whom Cicero owed so much, was going or had gone out to Cilicia as proconsul. That diocese of the empire was reasonably near to Alexandria. Len-

[1] 56 B. C.

[2] Which he afterwards published as: *De Rege Alexandrino.* Schol. Bob. 349 sq.

[3] Strabo, 17, 13, p. 798 C.

tulus was an eager aspirant for the task and for the perquisites appertaining thereto. Cicero, who always in a warm and positive manner recognized the obligations of gratitude, was more than willing to recognize the interests of the proconsul of Cicilia. The king's henchmen worked hard that the prize might go to Pompey himself (Fam. 1, 1, 1), and vast sums were spent to that end. Cicero urged Pompey against the smirching of his good name, but without any success. Certain Sibylline oracles were effectively cited, and they were interpreted *ad hoc:* viz. that such restoration must be accomplished without military force. Pompey himself was extremely insincere in what he moved, as though he wanted Lentulus to secure the job. Pompey's servitors of course wanted Pompey (ib. 3), and public opinion by this time was sufficiently experienced to infer that the Only One wanted it for himself. No agreement on any project whatsoever was reached in the end. On the evening of January 14th the orator dined with Pompey (Fam. 1, 2, 3) and used the opportunity to put in a word for the governor of Cicilia. But it was as always: "When I hear his own utterance, I utterly acquit him of all suspicion and greed, but when I see his intimates of all classes, I clearly see what now is patent to everybody, that the whole matter (i. e. of Ptolemy's restoration) has long ago been bought and sold by definite persons, and that with the concurrence of the king himself and of his councillors." Cicero took an active part in all these debates on foreign affairs; at the same time he had a somewhat personal standard in measuring or rating the transactions of the Great Council. (Fam. 1, 4, 1.) As for the three dynasts it seems that their several factions were by no means in concert in dealing with the Alexandrine job. The orator fairly followed his own convictions. He was to be more definitely attached to the larger policy of the Three, but he was not yet aware of it. His brother Quintus had gone to Sardinia as a deputy in the administration of the grain supply. The brothers then were somewhat engrossed with building or with various plans and projects of rebuilding. (Q. Fr. 2, 2, 1–2.) The election of Clodius for the aedileship, really carried over from the preceding year, was impending, being set for Jan. 22 (ib. 2). Atticus, even though it was the winter-season, was returning to Rome from Buthrotum and the East. The month of February again assumed a turbulent face. Clodius was now Aedilis, and with his tremendous energy of

utilizing everything as soon as achieved, he now entered upon a campaign designed to trouble and annoy the great commander. On February 10th P. Sestius was indicted. The trial was brought to conclusion by acquittal not before March 14th.[1] Cicero carried through the defense. As in the Alexandrine matter, so here too the decisive motive of Cicero was political and personal gratitude. Sestius, Tribune in 57, and, like Milo, an earnest advocate of all measures leading towards Cicero's restoration, had resorted to the use of organized bands of fighters, to maintain his ground against Clodius. The indictment of Sestius really was meant to be a blow at Cicero. There were two charges: one *de vi*, of violence, and one of *de ambitu*, of electoral corruption. Cicero's discourse deals with the former alone. In this political trial again do we perceive that the interests of the Triumvirate were by no means consolidated. Among the chief witnesses who appeared against Cicero's client was P. Vatinius, one of the chief tools of Caesar in the latter's tribunician year. On the other hand Pompey supported the defendant by a written *laudatio*. Hortensius was associated with Cicero in the pleading, but as usual the latter spoke last. Much of this discourse is a history of his own restoration, and of the reign of terror preceding it. There is vastly more of Cicero than of Sestius in this political discourse, and we may readily infer that much of this autobiographical element was expanded into the form which Cicero gave to the speech when he prepared it for publication. The acquittal of Sestius[2] was unanimous on the part of the triplicate jury, a matter of some political importance too, because it was directed at Clodius. The orator's hatred for the consuls of 58 who consented to bargain for his exile (Gabinius and Piso) is unabated (93 sqq.). Cicero is indifferent to the fact that one was, or had been, a consistent and faithful servitor of Pompey's, while the other was the father of Caesar's consort, Calpurnia. Of Gabinius, Cicero says that he is daily "drawing from the loyally obedient and rich treasures of Syria[3] countless sums of gold, is waging war on peaceful people, in order to pour their ancient and untouched wealth into the bottomless maw of his own appetites," that he is now (i. e., through his instructions) building a villa so vast that the villa of Lucullus which he once (in 67) exhibited to the people in a painting, appears as a mere

[1] cf. Halm's introduction.

[2] Q. Fr. 2, 4, 1.

[3] Dio 39, 56.

barbarian hut in comparison. As for Piso the orator charges that he first (§ 94) sold peace to Thracians and Dardanians for a very great sum of money, and then, in order that they might raise the money, handed over to them Macedon to harass and despoil, that he likewise divided the assets of creditors who were Roman citizens, with the Greek debtors, etc., etc. Cicero's exile and all those memories were for Cicero a spur which never allowed him to rest until he had satisfied his deep craving for revenge. Further there was this curious situation: Clodius, the scion of a long series of noble ancestors, now the leader of the mob of Rome and the firebrand of disorder: on the other hand the Arpinate, a man without pedigree and still the foremost representative in public life of conservatism and of the conservatives (96 sq.), in fact, of the '*tribe*' of the optimates. But the orator takes a somewhat large, a somewhat elemental view of this class, a view not at all narrowed by the sheer force of common partisanship and factional nomenclature, a nobler, a Ciceronian view, deeply tinctured with a certain social philosophy. "All are Optimates (97) who are neither wrongdoers, nor wicked of disposition, nor given to insane courses, nor entangled with domestic troubles. It follows then that those whom you call a *tribe* are those who are morally sound and healthy and have their domestic affairs well established. The men then who devote themselves to the aims, interests and resources of this class in the administration of public affairs are accounted defenders of the Optimates and renowned citizens and leading men in the state. What then is the aim of these men when they pilot the ship of state, on which (aim) they must fix their gaze, and by which they must set their course of navigation? That which is most eminent and most desirable to all good and sound and prosperous men,[1] viz. leisure and peace, coupled with a position of public distinction (cum dignitate otium). Those who desire this are all rated as *optimates*, those who accomplish it are deemed great men and preservers of the commonwealth. For it is not proper that men through the distinction of practical achievements should be carried to the top in such a manner as not to safeguard peace and order, nor, on the other hand, embrace any peace and order which is incompatible with public distinction. And of this peaceful and orderly distinction these are the foundations, these the organic

[1] omnibus sanis et bonis et beatis.

elements which the civil leaders must maintain and defend even at the risk of their lives, viz. the ritual usages, auspices, powers of magistrates, initiative of senate, statutes, customs of ancestors, courts and their jurisdiction, credit, the provinces, the provincials, the good name of the empire, the military establishment, the treasury. To be the defender of these things so numerous and so important, calls for a great mind, great parts and great firmness." We have here the germ of his *De Republica;* in a large and somewhat philosophical manner he reveals his innermost ideals and axioms, also the standards by which he himself then would be judged. And in the discourse of the prosecution there had been mentioned a name long identified with the so-called *populares*, a name then rapidly gaining new lustre through splendid victories in northwestern Europe, viz. the name of Julius Caesar. The prosecutor in this case, M. Tullius Albinovanus, a mouthpiece of Clodius, had uttered the statement that "Caesar would never while this tribe (of the optimates) were living, be without care" (§ 132). Vatinius, then, though a mere individual archer (133) in the vast host which had driven the orator into exile two years before, is treated with uncompromising and relentless severity. The former tribune (of Caesar's consular year) had said on the witness stand in this trial (Fam. 1, 9, 7) that Cicero had begun to be a real friend to Caesar because he had been stirred by Caesar's fortune and success. When we examine the manner in which the orator deals with the hated minor politician, we pause. Cicero actually begins to become diplomatic and wary. He separates from the achievements of Vatinius the rising name of Caesar, whom he did not love. The public acts of Vatinius during Caesar's consular year really were Caesar's acts, as everyone knew, but now Cicero makes Vatinius alone and personally responsible: the year 59, so important in ancient history as accelerating the process of disintegration, is once more reviewed by Cicero. What he is still most deeply grieved about is this, that the ancient checks of auspices and observing the skies were cast aside (23). The informer Vettius too, set up by Vatinius in 59, is once more cited. The most palpable perhaps of all of Cicero's charges was that of the way in which the Tribune in 59 rose to affluence (29), and that in the very year in which Caesar's own law *de Repetundis* was enacted. But the orator's wary regard for the rising name is not strong enough to inhibit one bitter passage. It

was (35–36) the Vatinian plebiscite of 59 which bestowed upon Caesar provinces, legions, funds; ignoring or overriding the initiative and primacy of the senate in such matters. But Cicero had advocated precisely this form of procedure in the year 66, when in a way even more extraordinary Pompey was entrusted with a measure of power unknown to the annals of the Republic. In short, precedents might easily have been quoted by his political adversaries to plague him. We append one particular passage (38) because it is rich in a certain historical significance. "And if you treat all these things with contempt, because you have persuaded yourself, as you say over and over again, that (no matter though gods and men should oppose), you, by means of a certain incredible affection of C. Caesar for you, would attain everything you desire, have you heard, has anybody told you, that C. Caesar recently at Aquileia, when certain men had been mentioned, said that he took it much amiss that someone had been made praetor who had not been in harmony with his own interests; then a certain one had asked him how he bore Vatinius? he replied, that Vatinius in his tribunate had done nothing for nothing." — It seems odd that Vatinius professed himself a Pythagorean.

There is a remarkable void in Plutarch's biography of Cicero, at the conclusion of chapter 34. From the return of Cato from Cyprus, Jan. 56 or so, to Pompey's sole consulate 52, full four years, there is really nothing set down here of Cicero's life. Was there little in Tiro? Cicero's dependency or leaning on the dynasts has little of the positive or conspicuous, let alone heroic: is it too much to assume that Tiro's records of this period were particularly slender or insignificant?

Early in the month of April, a month so pregnant with coming events, Cicero defended one of his literary admirers, M. Caelius Rufus. Of all the extant speeches of Cicero none deals so largely as the *pro Caelio* with that form of human society which in our day prides itself upon its conventional omission of the article, that form of society in a word in which the feminine element predominates or prevails. We are here confronted with the so-called higher society of Rome in that day and generation. Crassus too appeared for the defendant. The outward chief prosecutor was a young aristocrat, Sempronius Atratinus. A curious case. The real prosecutor was Clodia, not long widow of the consul Metellus Celer and identical with

the supremely classical Lesbia of Catullus's supremely classical and undoubtedly decadent verse; Catullus in fact had been the predecessor or one of the predecessors of Caelius in the generous affections of this aristocratic lady. We are dealing here with the fashionables of Rome and with fashionable life. In the case before us the young pleader and rising minor politician, Caelius Rufus, was charged with plotting against the life of the Lady Clodia (Claudia) (30) and with the keeping of a sum of gold belonging to her. But the adroit Cicero refused to take these things seriously, and insists that they merely belong to the gossip and scandal of fashionable society, viz. to the vicissitudes of contact, display and opportunity which constitute the essence of fashionable society. Still Cicero pours out unstintedly his hatred for Clodius and for this Clodia. But he does this more with satire and light banter than with the heavy broadsides of the previous post-exilian speeches. The entire discourse in a way is a record and document of that decadence, which in the succeeding generation Augustus strove so earnestly to stay. The great lady had for a while held the handsome young man captive. It was the society of the Palatine in which both moved. Caelius, it is true, is not ugly: he cannot help it that he is well favored. He had by special permission (§ 9) attended as a learner Cicero's consultations with clients in 66, 65, 64, as had also a son of Crassus. It was indeed difficult to keep a spotless reputation in those years of earlier manhood. Later on, it was true, Caelius *did* take a stronger interest in Catiline, for the latter had some fascinating qualities, and a striking capacity to adjust himself to every mood and temperament. Caelius had kept his own establishment on the Palatine (17): here began his troubles. He attracted the attention of a high-born lady, a *Medea of the Palatine;* it is she, who is behind the present prosecution, she, who has equipped it and set it in motion. We see how the fashionable world amused itself (27): Caelius had declined no dinner parties, he had been an exquisite in scents, had been a habitué of the private parks, had visited the watering place of Baiae. In spite of all these follies a young man may in time become quite a genuine man. "I never thought (32) I ought to carry on private feuds with a lady, whom everyone always deemed rather the lady-friend (amica) of everyone than the personal enemy of anyone." The accusers (35) airily vaunt appetites, love intrigues, forbidden relations, Baiae (the Trou-

ville and Monaco of that time), the shore-line, wine-parties, revelry, songs, private orchestras, yachts: "if you have a park, madam, on the Tiber, a spot to which all the young gentlemen repair for the sake of swimming, that is the source from which you daily may derive opportunities for making appointments; why are you here troublesome to him who scorns you?" The light social satire, the banter of fashionables uttered by the wittiest tongue of Rome, is here coupled with a moral scorn and a moral condemnation (34) which would have been crushing and fatal in any society, the chief members of which had not been steeped in the same putrescence.

Another Clodian attack on Cicero came soon after, perhaps for the purpose of requital, or retaliation.[1] In the preceding year certain *prodigia* had occurred, and *ostenta:*[2] these had been officially noticed by the senate and an official opinion (responsum) of *haruspices* secured. Now Clodius, to speak concisely, promptly attempted to interpret some of this divine monition as due to the fact that sacred ground had been covered by the erection of a profane edifice, viz. the rebuilding of Cicero's Palatine mansion on an *area* consecrated to the goddess of Freedom. These allegations Cicero answered on the floor of the senate in a brilliant discourse, in which the vulnerable past of the brother of the Clodias, of the lover of Caesar's wife Pompeia, of the saintly and serious worshipper, was torn to tatters. It is the old Cicero, witty, sarcastic, overwhelming whenever he chose to be. Also he appears more proud and defiant than ever.

Whatever the morals of Clodius, his personality and leadership were a very positive force in that generation and like a gadfly did cause much disturbance on the political meadows of that year. As early in the year as February 8th,[3] Pompey had been grossly insulted and humiliated when trying to make an address before a popular assembly. "For as soon as he arose, the organized bands of Clodius raised an outcry, and this happened to him during his whole discourse, so that he was interfered with not only by the jeering, but by the abuse and taunts, when he had completed his discourse, for in this he was brave,

[1] Lange 3, 329.

[2] List in Dio 39, 20: detail points to Livy. The passage in Cic. Harusp. Resp. 20 ("quod in agro Latiniensi auditus est strepitus cum fremitu") runs in Dio thus: *θόρυβος ἐν τῷ Λατίνῳ ὑπὸ γῆς ἐξηκούσθη.*

[3] Quint. Fr. 2, 3, 2. Dio, 39, 19.

he was not stopped by fear, he said all he wanted to say, and sometimes even amid silence; he had actually concluded with impressive force, but when he had concluded Clodius arose. He was met by such shouting by our partisans, for it had been agreed to pay him back in his own coin, that he could neither think straight nor talk straight, nor maintain an imperturbed mien. This was done when at noon Pompey had barely concluded, up to the eighth hour (2 P. M.), when every kind of taunt, when the filthiest lines of ribald verse were uttered, directed at Clodius and Clodia. He, beside himself and with pale face, kept asking his supporters right amid the din: 'who was it that was killing the common people through hunger?' His bands replied, 'Pompey.' 'Who desired to go to Alexandria?' 'Pompey.'' 'Whom they desired to go?' They answered, 'Crassus.' The latter was present at the time, with sentiments not friendly to Milo. About the ninth hour (3 P. M.), as though by a given signal, the Clodians began to spit upon the men of our faction. There was a paroxysm of indignation. They hustled us to dislodge us. A charge was made by our folk, the bands broke and fled. Clodius was driven from the Rostra, and I too then fled so as not to be lost in the mob. The senate was summoned to the curia; Pompey went home. *Still I did not go to the senate, lest either I should maintain silence about matters of such importance, or lest, in defending Pompey, for he was bitterly censured* (carpebatur) *by Bibulus, Curio, Favonius, Servilius, I might hurt the feelings of the conservatives.*'' The concerns of self-preservation were beginning more and more to decide Cicero's course for him. At this time Pompey began to feel himself more and more isolated. And this too while not long ago and for fourteen years he had fairly been the idol of the common people and the employer and task-master of many a greedy politician. He was, in addition to this heckling, now filled with deep distrust of Crassus himself; he delineated the latter as a mortal enemy without naming him. Cicero knew who was meant. All this then was the heart-beat of the imperial city, the life of a Roman day, such the ever deepening swirl of counter-currents, the accelerating process of disintegration of the old and tottering republic. Where indeed was the great pact, where the understanding of the Triumvirate? Caesar, then in the country of Po and northern Apennine, was informed of everything. Pompey

suspected Crassus of furnishing financial support to Clodius, he even told Cicero so outright.[1] Was not the triumvirate become an empty shell or even less?

At this time the rebuilding of the mansions of both brothers was going rapidly forward. In this spring 56 the famous Greek grammaticus Tyrannio[2] was secured by Cicero as domestic tutor for his nephew, Quintus. His own daughter, Tullia, now was as good as engaged to her second husband, Furius Crassipes; the betrothal actually came off on April 4th (Quint. Fr. 2, 5, 1); the domestic celebration and entertainment (*Sponsalia*) occurred on April 6th. At Formiae too, and (probably) at the Tusculanum rebuilding was going forward. Terentia and Quintus' spouse lived but ill together. Cicero continued to maintain a non-committal position in this turbulent spring.[3] His profession as patronus had regained the ancient swing and prosperity. Appius Claudius had gone to Caesar on some mission, really to get some crumb of preferment for a dependant from that rich proconsular table.

The cleavage or ruin of the triumvirate[4] now seemed palpable to all. On April 5th Cicero himself moved (Fam. 1, 9, 8) that on May 15th the senate, provided there were a full house, was to debate on Caesar's Campanian land-law. In the preceding December this matter had been received with funereal silence; now however there was shouting in the senate comparable to the turbulence of a popular assembly. Was this to be the beginning of a vigorous anti-Caesarian policy at the seat of government? Pompey was on the point of setting out for Sardinia, to leave Rome on April 11th, and sail from Labro (Livorno) or from Pisae. So Cicero really thought that Caesar's agrarian legislation, as far as Campania was concerned, ought to be and could be checked or rescinded. And why not? To *his* vision, for *his* sentiments, it was the very citadel of a policy which he profoundly and sincerely detested. The ground which Cicero had maintained against Rullus, seven years before, was still the same ground to him. But Pompey, who in the Campanian matter was practically at one with Caesar, manifested

[1] Q. Fr. 2, 3, 4.

[2] Cf. also Att. 4, 4 B. 1. Att. 4, 5, 3, fin.

[3] Q. Fr. 2, 4, 5: quo ego me libentius a curia et ab omni parte rei publicae subtraho.

[4] Lange, 3, 326.

to Cicero his keen displeasure. Before embarking he met Caesar at Luca.[1] "There Caesar complained much of my motion (of April 5th) for he had previously also seen Crassus at Ravenna (Fam. 1, 9, 9) and had by him been inflamed against me. It was indeed a well-established fact that Pompey was seriously displeased with it, which I, while I had heard it from others, learned particularly from my brother. When Pompey met him (in Sardinia) a few days after leaving Luca, he said, 'You are the very man I want to see, nothing more suitable could happen: unless you confer earnestly with your brother Marcus, you must pay what you have pledged for him.' Why make a long story of it? He, Pompey, complained bitterly, called to mind his own services, his very frequent conferences with my brother himself concerning the acts of Caesar, and guarantees which he (Quintus) had given to him (Pompey) about myself: all this he called to mind. He assured my brother directly that what he (Pompey) had done concerning my salvation,[2] he had done with Caesar's active approval (voluntate): and in order to commend the latter's interests and public position to me, he requested that I would not antagonize them (at least), if I were unable or unwilling to defend them (10), when my brother had communicated this to me, and when, nevertheless, Pompey had sent Vibullius to me with a commission, viz. that I should not compromise[3] myself concerning the Campanian matter before his return."

This is a lucid setting forth by the subject of this biography which will not gain much by exegesis. Every man almost automatically or instinctively seeks to equip his conduct or action with the best motives. "I have," thus Cicero reasoned, "principles, which are dear to me in public life; but I also have obligations, which constrain me as an honest man." In short Cicero began to revise his own estimate of his restoration: he had seen himself, as it were, brought back on the shoulders of *Roma* herself amid the plaudits and unanimous acclamations of his admiring fellow-citizens. Was it not the accord of Caesar

[1] On the conference at Luca, cf. *Plut. Cato Min. 41, Pomp. 51, Caes. 21.* Dio is badly confused about Luca, for he relates data as antecedent to that conference, which really resulted from it, e. g. the *ten legates* for Caesar. Cf. Dio, 39, 25, a fearfully subjective chapter.

[2] Mainly during the first half of 57, while Marcus Cicero was waiting at Dyrrachium.

[3] ut integrum mihi de causa Campana ad suum reditum reservarem.

and Pompey, or mainly so, that had accomplished it? There were also carried to Cicero's ears utterances of men, who shared his political principles: in the eight months which had elapsed since Cicero's restoration, his senatorial speeches, his discourses in the courts, had often as it seemed caused displeasure to Pompey (Fam. 1, 9, 10). Cicero's friends made their own comments on these productions of the restored orator, and these comments ultimately reached his own ears. "These men kept saying that they rejoiced in the fact that I was failing to satisfy Pompey and that Caesar would be my bitter personal enemy." After all, these then were the two men to whom he owed his restoration. Was it wise to go on in this line of policy? What support indeed did he have in public life? What public men of incisive importance could he look to in time of trouble? Then there was the arch-enemy. For more than half a decade Clodius had been the gall and the wormwood of his life. Now the very men whose political tenets Cicero had sustained as a vicarious sacrifice, for whom he had borne the miseries of exile, were actually fondling Clodius and caressing him, and that in the very sight of the orator, to stir his gall. Everyone in Rome knew how infinite was the sensitiveness of the orator. He did indeed try to persuade himself that he had lost the very faculty of resentment,[1] from the multitude of his tribulations. In the eyes of the old aristocracy he was after all still a *parvenu*. After all, at this time, Clodius was as hateful to Pompey as to the Arpinate himself. Pompey (Fam. 1, 9, 12) had pledged himself to Caesar for Cicero, as Quintus had to Pompey. When he surveyed the last years, he felt embittered against the foremost men of the aristocracy, who had left him in the lurch in 58.

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So he made the change: his eyes really opened through Caesar's and Pompey's initiative. He went off in that spring, probably not very long after the conference of Luca, to rest at his villa near Antium by the sea. Atticus, a somewhat late convert to married life and a union with Pilia, was at Rome, residing in the mansion probably of his late uncle, Caecilius, on the Quirinal. Cicero is quite frank about his "recantation,"[2] he keenly dislikes the morsel, but it must be. It is indeed a new, a novel

[1] ut mihi stomachum facerent, quem ego funditus perdidi.

[2] παλινῳδία Att. 4, 5.

coalition or association (nova coniunctio, ib. 2). He has written to Caesar, about the time when the latter set out to wage war with the Veneti on the Atlantic. Cicero earnestly wished to make his position more positive: it is to be impossible for him to slide back to those, who, when they ought to feel pity for him, do not cease to envy him. The political letter to the proconsul of Gaul had been somewhat brief. He expects to send a more elaborate epistle to the same address, if the first one should prove acceptable or well received. A Palatine mansion, a Tusculan villa,—I will keep them no matter how much these high-born gentlemen dislike it. His pride is deeply stirred. "*Since those, who have no power, are unwilling to love me, I shall endeavor to the uttermost to be cherished by those who have power. You will say: I wish you had done so long ago, and that I have been a genuine donkey.*" Atticus often went up to the Palatine to observe and report on the progress of the building operations. Tullia's dower [1] was considerably interfering with ready money. Going from the sea-coast to the cooler and more bracing retreat near Arpinum (Fam. 5, 12) he earnestly requested Lucceius to write a historical monograph about that consular year, which we may fairly call that of Tullius and Cicero. Lucceius then was an historian of some note and greater promise, but to us now a mere bit of moss clinging to the granite pyramid of the Arpinate's renown. Would Lucceius write a monograph or merely delineate it in its proper historical place? He intimates that he would prefer the former. Parallels of the practice of Callisthenes, of Timaeus, of Polybius, are ready at hand. The work is to begin with the *beginning* [2] of the conspiracy to Cicero's restoration (65–57 B. C.). The latter indeed presents and suggests topics and treatment himself, conclusive of condign ignominy for his own enemies. Cicero even then, as an expert with the pen, weighs and estimates the attitude and frame of mind of the future reader. The striking vicissitudes of Cicero's experiences are bound to have a romantic interest for the reading public (4). Then too there is the element of pity. He cites Epaminondas at Mantinea, he recalls Themistocles as a wandering exile. The psychological basis of Cicero's literary judgments was undoubtedly quite true and sure. Why not? He had always, as a matter of

[1] Att. 4, 5, 3.

[2] by which Cicero, as we know, meant the conspiracy of Autronius and Sulla, to regain the consulate, early in 65 B. C.

professional experience, sought to sound the emotions, to trace the psychological processes of men. He goes on reverting to Alexander painted by Apelles alone, presented in sculpture by the chisel of Lysippus alone; Achilles extolled by a Homer, Themistocles by Herodotus. This intense and unrelenting and persistent pursuit of renown is somewhat wearisome to us now; we may shrug our shoulders when we observe the factitious insurance of that renown. At the same time we must not forget: the very frankness of this avowal is of the core and the essence of classical antiquity. Humility had no place at the table of the Olympian gods. Cicero goes on to say (8) that if he failed in this request, he would be compelled to resort to writing an autobiographical work, an undesirable alternative. Surveying the situation we stand somewhat astounded before the fact that Cicero counts as nothing *his own memoirs* in Greek and in Latin about his own consulate, counts as nothing the three books of Latin hexameters dealing with the same. Historical honesty obliges us to append one characteristic passage from this letter (§ 3): "But still one, who has once crossed the boundaries of modesty, might as well be soundly and energetically impudent. I therefore ask you squarely again and again, to trim and trick out even more forcefully what you hold in your conviction perhaps, and therein set aside the laws of history," etc., etc. But enough of this peculiar form of self-revelation.

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One of the consequences of Luca was, that on May 15 Cicero was not in Rome, to lead in the debate on the Campanian land. In fact the subject (Quint. Fr. 2, 6, 2) did not come up. On that day the senate refused to grant the honor of a Public Thanksgiving to Gabinius, the proconsul of Syria, at which refusal Cicero exulted. It was probably a little later that Cicero was back in Rome once more. He actually furthered the adoption of the S. C.,[1] which granted to Caesar the pay for the four new legions which he had added to his forces without any governmental authority: he even attended the engrossing of the resolution.[2] Caesar also received the privilege of the *Ten Legates*, a kind of outward declaration that the definite and permanent provincial organization of Caesar's conquests was close at hand.

[1] *Prov. Cons. 28.* Sihler, Annals of Caesar, p. 111.

[2] scribendo adfui.

Drumann, III, 273, V, 711, conceived this as an honor to Caesar, and a further equipment for his Keltic campaigns. But Carl Peter, Philol. 1853, pp. 425 sqq. showed that ten new deputies were meant, exclusively intended for the civil organization of Gaul: cf. Phil. 12, 28, bellis confectis decem legatis permitti solet more maiorum: similarly in Dio, 39, 25.[1] Some of the Senators in Caesar's case favored the postponement of this measure: events soon proved that their attitude was justified.

Early in June, probably under the presidency of the consul Marcius Philippus,[2] Cicero in the most handsome and impressive manner came out for Caesar, in the great speech delivered on the floor of the senate, *de Provinciis Consularibus*. The fate of four provinces was before the Great Council. As for Syria and Macedon, Cicero moved that Gabinius and Piso be recalled and their imperium terminated. In this part of his discourse he was no servitor either of Pompey or Caesar, through whose policy these two had received their political preferment. Does he now moderate his tone in dealing with these two? Not at all. His survey of their provincial administration is crushing and overwhelming. His motives of course we know but too well, though the charges were probably true. His frankness in the avowal of his craving revenge is impressive to us (2): "My specific and personal sense of grievance . . . I shall reserve for the opportunity for revenging myself." As a matter of fact one of the two men was recalled. It is otherwise with the proconsul of Gaul. Cato indeed (18), the heroic representative of rigorous consistency, thought otherwise and even interrupted his political friend Cicero on the floor of the senate; he openly insisted in fact, that the recent tribulations of the orator were due to the instigation of Caesar. But Cicero urged that Roman history was teeming with splendid precedents of political reconciliation. Greater than personal grudges and resentments was the faculty of recognizing extraordinary achievements, by whomsoever wrought. But why does Caesar desire to stay on (29)? That he may himself consummate that which he himself has begun. He operates among distant and barbarous communities. The very name of the Atlantic is to the Roman consciousness the symbol of remoteness. The Mediterranean indeed is a Roman basin (31), thanks to Pompey. He has added three new provinces

[1] ὡς καὶ ἐπὶ δεδουλῶμένοις παντελῶς τοῖς Γαλάταις ἀποστεῖλαι.

[2] Prov. Cons. 21.

that girdle and buttress our erstwhile easternmost province, Asia. Marius [1] merely checked and repressed, he did not crush or tame the Gauls. One or two summers more (34) will enable Caesar to bring his great task to completion. He is aflame for further victories, and then too, from the point of view of practical politics, it is wise to have all this extension of power issue from the senate, it is wise to put Caesar under obligations to the senate. There were those who feared that ultimately Caesar would hand over his proconsular power, now so greatly increased by the senate, to a successor of his own choosing, without having the matter determined by the initiative of the senate. Cicero declares himself unable to entertain any suspicion of this sort. His past relations to Caesar he surveys with extreme caution and diplomatic courtesy (40–41), touching even upon the Plebeian metamorphosis of Clodius: all with much reserve and self-restraint. Pompey, after all, is the central figure in these changes of attitude (43). He insinuates that his old political supporters and counsellors did leave him in the lurch in his crisis with Clodius. These then are the bearers of great names within the aristocracy (45) who deny the constitutionality of Caesar's consular legislation: what have they done to deny, or to protest against, the legality of Clodius's tribunician acts, from which arose all my woes? What now would Cato say?

While Caesar was far away on the Bay of Biscay carrying on his operations against the considerable sea-power of the Veneti, the aristocracy struck at him by indicting *L. Cornelius Balbus* for illegal assumption and use of the Roman franchise. Balbus was a naturalized Roman, really a native of Spain, of Phenician Gades. He owed his civitas to a sweeping decree of Pompey, of the year 72 B. C. Even now Pompey and Crassus had preceded Cicero in the defense. He held the last place [2] always in joint pleadings. It was now autumn. Theophanes, historiographer in ordinary to Pompey and one of the latter's very small number of confidants, who likewise owed his citizenship to the Only one, had adopted Balbus (57). The latter even then enjoyed intimate relations with Caesar (58). The Spaniard had warmly worked for Cicero's restoration. Personally

[1] This very judgment exhibits the vagueness and confusion of ideas then held by the Romans as to the tribes and nationalities of the north and the northwest.

[2] hic extremus perorandi locus, § 4.

Balbus has no enemies, but his powerful friends have. It was his relation to Caesar (64) which caused the present prosecution.

We are reminded once more that this was the year of the conference at Luca: "Why should we rather tear down than maintain what we cannot change?" The senate (in autumn 57) has distinguished Caesar both with a very generous kind of Thanksgiving and with a novel number of days. The senate likewise, while the treasury is at low ebb,[1] has endowed the victorious army with pay, it has voted to the imperator ten deputies, it has voted that no successor be given him under the Sempronian Law. "Of these motions I have been both the leader and the mover, and I did not think I should rather be swayed by my former differences than bring myself into agreement with the present emergencies of public affairs and the spirit of harmony." In public then Cicero stood with Caesar and with Caesar's advancing interests. But he did not like it at heart: "this connection of public affairs does not delight me." (To Lentulus, Fam. 1, 7, 10.)

In accordance with the private agreements of April at Luca, Pompey and Crassus together were once more candidates for the consulate. The election, however, had been repeatedly postponed.[2] The civil year in fact ended without new consuls.

## 55 B. C.

This year began with an *Interregnum*[3] which seems to have lasted pretty long. Pompey's candidature conjointly with Crassus was a palpable reassertion of the Triumvirate, and intensely distasteful to the aristocracy. The latter's candidate was Cato's brother-in-law, L. Domitius Ahenobarbus. "Is it not a wretched thing," Cicero wrote then, "that a man like Domitius, who was consul designate ever since he drew his first breath, cannot be chosen?"

Is Dr. Tyrrell right in his chronological placing of Att. 4, 8 B? I believe Cicero wrote it after the defeat of Domitius, descanting upon it rather than

[1] in angustiis aerarii, § 61.

[2] Lange, 3, 336, postponed through the influence of a Tribune, *Gaius* Porcius Cato (not to be confounded with the great Cato). Liv. 105. This minor politician was a bitter enemy of Pompey and Gabinius, and devoted then to Clodius, bitterly hostile then to Lentulus (cons. of 57) when the latter was already given Cilicia. Eventually he veered around to Pompey.

[3] Lange, 3, 336. Heitland, 1163.

reporting it as a piece of news. Cicero's satirical remark (ib. 2) means that a man of such aristocratic birth really had the assurance of consular honors through his very birth: "qui tot annos, quot habet, designatus fuerit."

Cato had urged his brother-in-law (Plut.-Pomp. 52): "the contest was not for office, but for Freedom against the Tyrants." Cato much earlier than others measured the political importance of the Great Pact; he was no doubt foremost in weighing the meaning of Luca. All the other candidates had withdrawn. The bulk of Pompey plus Crassus loomed large. Political fear closed many months, benumbed many pens; we may include Cicero's.

On Election day, as they went down to the field of Mars, Domitius' torch bearer was slain; soon all had flown but the candidate himself and the Stoic: Domitius then, perceiving himself so forsaken, fled home. Cicero looked upon that discomfiture in a personal way rather than as a well-wisher of the old order. He is reminded of the manner in which he saw himself deserted by the conservatives in the crisis which led to his exile. There is one difference: Domitius deserved what he got! Clearly then the schism between Cicero and Cato had not yet been repaired. Domitius had been praetor in 58 and at the very beginning of that year had endeavored to overthrow Caesar's legislation. Next to Cato he was one of the most irreconcilable enemies of Caesar.[1] As for the further candidates, the list, Cicero says with bitter sarcasm, even to the infinite future, is at the moment set down in tabulated form in the notebook — of whom? Atticus understood perfectly (4, 8, B. 2). — Lentulus, proconsul of Cilicia, still looked with warm desires towards Alexandria and the huge plum which would fall to him if he were permitted to shake the plum-tree, viz. if he were given the mandate of restoring Ptolemy Auletes to his loving subjects. Cicero, in reporting to him, insists that Pompey, and Cicero's private relations, his private and public obligations, must needs determine his own attitude and action. Cicero, in or before his own consulate, had looked forward to a further but still ampler career of senatorial distinction and influence, positive freedom [2] of political initiative. A vain hope then, but no more, he urged, to himself, than to

[1] cf. Suet. Caes. 23.

[2] *libertas* in re publica capessenda. Fam. 1, 8, 3.

everyone else, who had entered public life. A distinguished public position (*Dignitas*) then was gone. *Otium* only (§ 4) remained, viz. physical security and peace: this at least he hopes to enjoy under the present régime of the dynasts,[1] a boon which the latter seem resolved to furnish (to me) " if certain men (Cato, Domitius) are able to endure their personal power more patiently." Cicero still hoped Lentulus might secure the Alexandrine job. Consequently the orator was not admitted into the intimate councils of the Only one. For even then Pompey was maturing plans to have this superb enterprise assumed if need be by one of his servitors, who then was nearer to Egypt than the proconsul of Cilicia. Everything at the seat of Government ultimately depended, or seemed to depend, on Pompey.

Cicero had not yet, in February of this year, published his poem on the consulate, each of the three books bearing the name of a Muse. It seemed but Quintus and Atticus knew of it. The brother knew those verses. The speech of Jupiter was at the end of Book II, and furnished, if we may say so, the peroration of Cicero's especial eloquence in that book. Well indeed did he remember that utterance of Jupiter: he had written it for himself rather than for the others, i. e. as a monition, as a precept of conduct for the future.

> Tu tamen anxiferas curas requiete relaxans
> Quod patriae vacat, id studiis nobisque sacrasti.[2]

Clearly Quintus would have him keep out of the greater movement of politics. In February too the consular election seemed to be over.[3] The orator was to gain for Quintus the consent of Pompey and Crassus, the new administration, to have a statue of Quintus erected in some public place. Of course the only serious objection could come from Clodius. The latter was anxious at this time to go out to Byzantium and to Galatia. In both he desired and expected to collect great sums of money, earned by him in the Tribunate: he had (through Cato) restored certain exiles of Byzantium, and had caused the appointment of Brogitar, a son-in-law of Deiotarus, as priest of the Great Mother (Kybele) at Pessinus in Galatia. These favors Clodius now de-

[1] ii qui *potiuntur* rerum, a curious present tense.

[2] The poem is *De Consulatu*. Cf. *de Div.* 1, 17 sqq.

[3] Q. Fr. 2, 7, 2. Crassum consulem ex Senatu domum reduxi.

sired to turn into money; he expected copious results.[1] Much of what we still call politics is reducible to money or some other factor of power. A *libera legatio* was now desired for Clodius which would largely furnish the *viaticum* for the tour proposed. Cicero intimates that this will be, or may be, positively the last time that he will dabble in politics.[2] But he too, deeply stirred by the year, the day, the moment, lived in a political sense, much more from hand to mouth, than in precise conformity to political axioms or deeper convictions. This momentary mood of resignation was born of expediency and circumstances rather, than of clear and persevering design.

Clearly Pompey and Crassus, dynasts, even though in possession of the consulate for the time being, desired to give to the current movement of public affairs a personal turn.

Praetors were soon to be chosen. Afranius (cons. 60 B. C.), one of the most consistent Pompeians, moved that the praetors-elect should immediately enter upon their office, i. e. they should be placed beyond the contingency of being indicted for electoral corruption; being in office they could not be tried for *Ambitus*. An amendment was offered providing that the praetors chosen should be private persons for sixty days after the election. This was the idea of earnest conservatives and reformers, like Cato. The consuls practically ignored these amendments, at which the senate sighed. "On that day they put Cato out of the running: why make a long story about it? They hold everything, and of this they want everybody to be aware." Cato was an earnest competitor for Praetorian honors, in order to combat the dynasts more effectively:[3] the consulate would then be the next object for him. Praetors chosen in accordance with the motion of Afranius were bound to be, during their office, creatures of the dynasts. Cicero soon abandoned his resolution of neutrality or non-action: he supported the reformers and Cato (Fam. 1, 9, 19), but the latter was defeated at the polls, and Vatinius, the mercantile Caesarean, was chosen Praetor.

As the winter yielded to the loveliness of the Italian spring Cicero went down to the sea-shore of Cumae and Naples, as he

[1] Q. Fr. 2, 7. 2. Plena.

[2] Si perficiunt, optime: si minus, ad nostrum Jovem revertamur.

[3] Plut. Cat. Min. 42: βουλόμενος ὁρμητήριον ἔχειν τῶν πρὸς ἐκείνους ἀγώνων. *Dio 39, 32:* οὐκ ἠθέλησαν ἰσχὺν αὐτῷ ἔννομον πρὸς τὰς ἀντιλογίας: perhaps we should read πρὸς ταῖς ἀντιλογίαις: they wanted *no addition to his verbal attacks.*

generally did when the trend of affairs by the Tiber was oppressive or disgusting. He there wrote (Att. 4, 10) on April 22: at Puteoli there was a strange rumor, that Auletes was actually back [1] in Alexandria, that Gabinius had achieved it, with the vigorous and intrepid young Mark Antony as his commander of cavalry. The details Cicero could not yet know there. We may say without hesitation, that this act, a gross transgression of Caesar's own Law concerning provincial government (Lex Julia de Repentundis), was the work not of Gabinius alone, but of Pompey *and* Gabinius. So too Dio puts it. Pompey had failed to have his own way with the senate: so it was accomplished otherwise and the Sibylline monition too was set aside. Auletes had given bonds for six thousand talents to Caesar and Pompey. Gabinius was to receive ten thousand talents.

Cicero by the sea near Ischia and Misenum feasted or browsed at will in the library of Sulla [2] there. The great collection meant nothing to Sulla's son Faustus. Faustus was in society, that self-sufficient ephemeral thing. Letters are to sustain the Arpinate. His soul, in spite of all philosophical resolutions, is full of bitterness against "those men," to whom the irony of fate had bound him, viz. Pompey and Crassus, specifically the first named, "with whom I see I will have to walk." Pompey himself had come down to his villa near Cumae on the Parilia, April 21st. He spoke to Cicero of the proposed proconsular preferment: Spain for himself, and Syria for Crassus, — as mere bagatelle. (Att. 4, 9.) His compliments and social attentions toward Cicero were profuse. The house on the Palatine was not yet completed. There were Censors this year, but they accomplished nothing.

Caesar's father-in-law, Piso Caesoninus, had returned from the East, recalled by the senate, on Cicero's motion, from Macedon. Piso spoke bitterly in the senate against the orator. Nothing more natural. Asconius is right no doubt in suggesting that the discredited proconsul herein relied on Caesar. We may assume that Cicero's rejoinder was somewhat *impromptu*. It would seem that the published speech was, if anything, more bitter, violent and furious than the one originally delivered. The dramatic and psychological deliberateness of the editing man of

[1] cf. Liv. 105 and Dio, 39, 55. Drumann 3, 49 sqq.

[2] *Att. 4, 11, 2*: nos hic voramus litteras cum homine mirifico Dionysio. *γλυκύτερον οὐδὲν ἢ παντ' εἰδέναι.*

letters is impressive to us. After all we learn more of Cicero from this paroxysm of fury than of the recalled consular Piso. The Arpinate calls him a "plague, stain, Fury, beast, the funeral pyre of public affairs, hangman, mud, afflicted with a fetid breath, disgrace of your breech-wearing kindred,[1] dumb cattle, log and stick, foreign Epicurus, Insubrian, god of Clodius, mannikin, moulded from clay and mud (§ 59), donkey, cast away carcass," etc. No extension of this table is necessary. The frank avowal of the classical pagan spirit, of hatred and revenge (42), deserves our attention: "Or if I were to see you and Gabinius fastened to the cross, would I experience greater joy from the rending of your physical person, than I now do experience from the rending of your fame?" Philodemus, the noted sectary of Epicurus in that generation, was also domestic philosopher in ordinary to Piso;[2] there always was a coarser and broader stripe of assent and practice in a school which Cicero consistently opposed from the beginning. Of Philodemus himself, who after all was a literary man, he (70) speaks with a certain courtesy and appreciation: he possesses the delicate art of graceful handling in his verse gross themes, to gratify the peculiar taste of his patron Piso. This then was the current *vers de société* which remained fashionable down to the time of Ovid and the princess Julia. Piso in his attack on Cicero had brought forward the odium attached to Cicero's grandiloquent hexameter: "*Cedant arma togae, concedat laurea laudi*" — which was generally held an insult to Pompey. Cicero however firmly refuses to be drawn into any new feud with Pompey and Caesar. He snatches even an opportunity to glorify the latter's newest achievement. This was the very year of the cruel annihilation of *Usipetes* and *Tencteri*, of the first crossing of the Rhine. "It is his military command, not the rampart of the Alps, which I present and oppose as a barrier to the ascent and crossing of the Gauls: (it is his military command) not the trench of the Rhine overflowing with those whirlpools, which I present as a barrier to the wild tribes of the Germans; he brought it about, that, if the mountains were to be levelled, the streams to dry up, we would still have an Italy fortified not by the protection of nature, but by his victory and his achievements" (81). — Thus this speech, record and docu-

[1] A maternal grandfather of Piso was a native of Placentia.

[2] cf. the carbonized scrolls found at Herculaneum and now preserved in the Museum of Naples.

ment of 55 B. C., remains also a curious monument of that blending of prudence and passion so characteristic of Cicero.

Soon after this furious invective was delivered the great Theatre of Pompey, the first stone theatre permitted by the Roman spirit, was opened and inaugurated for the capital and the Mediterranean world.[1] There were contests in the drama and higher pleasure, but also in athletic contests and fights with wild beasts: five hundred lions were slain, but the most sensational spectacles were the *combats with elephants*, combats then presented at Rome for the first time. Cicero saw these shows and describes them in a chatty letter to his personal friend M. Marius, the valetudinarian and literary recluse, then probably residing on some estate in Campania. The diversions were meant to be, and really were, unique. Maecius Tarpa (president of the Poets' Guild)[2] had selected or approved the plays presented. The famous tragedian Aesopus appeared, but he was really too old, his voice gave out. Six hundred mules attended the appearance of Clytaemnestra in the play of Accius; in the *Trojan Horse*,[3] three thousand bowls or jars were carried across the stage, to make the sack of Troy duly realistic. There was also the buffoonery of Oscan plays, and Greek drama in Greek as well. As for the hunting shows (*venationes*) Cicero does not see how a man of culture can take any pleasure in seeing a feeble human being mangled by a strong beast, or in seeing a splendid brute pierced by a lance. The last day was devoted to elephants: the populace there opened their eyes wide and there was much noise. The finer minds among the spectators felt pity for these beasts and some fellow-feeling for their almost human intelligence.

About this time Cicero had a defense in court, that of a certain Gallus Caninius. But the whole profession has become irksome to him; he contrasts his earlier career somewhat curiously with the present time (Fam. 7, 1, 4); then he could accept or reject cases as he saw fit, now, "he is sometimes compelled to defend men who have not deserved very well of me, at the request of those who have." The limited correspondence of this year has little or no reference to Trebonius,[4] a servitor of the Great Pact. Through his *plebiscitum* Caesar received five years'

[1] Fam. 7, 11. Plut. Pomp. 42.

[2] Sihler *The Collegium Poetarum at Rome*, Am. Journ. of Phil. 1905, p. 18.

[3] More likely the play of Naevius than of Livius Andronicus.

[4] Dio, 39, 33.

extension of his proconsular power; Crassus, Syria and contiguous lands; Pompey, all of Spain, with as many troops as he chose, drawn from citizens or provincials.[1] Before this year ended, Crassus hastened away to Syria. His impatience to be off, and his extreme indifference to Tradition with its checks of quasi-religious significance, were felt to be ominous. In the inner estimate of Cicero's soul he was a *good-for-nothing individual* (homo nequam, Att. 14, 13, 2), while the world at large, by the enormous wealth he had accumulated, placed him at the very pinnacle of its current felicitations. He was the richest man of his generation, a very 'successful' man.

In November of this year (Att. 4, 13, 2) Cicero had completed in his villa near Tusculum his imperishable Treatise on Oratory, Dialogues, in three books, *De Oratore*,[1] in freshness, strength and a masterful maturity among the very first prose works of classical antiquity. He chooses as exponents of theory and as experts in valuation the masters and ideals of his own youth, viz. Antonius, and even more, Crassus. For time he selects the eventful autumn of 91 and the days antecedent to the death of that eminent man. Scaevola the Augur, his own first teacher in civil law, is brought in, while Julius Caesar Strabo (2, 219 sqq.) discourses on wit and the ludicrous. Whoever the interlocutors, Cicero's own culture and taste are set forth everywhere. Here too we observe that his work was to traverse or touch other departments and to exhibit to his own generation the universality or versatility of his own culture, and the wide extent of his range of interest. Thus (in 1, 186) he intimates that the civil law is greatly in need of a comprehensive theory and simpler survey of principles. There are a mass of statutes of procedure and practice, but there is no didactic syllabus available to the student. Another digression (2, 51 sqq.) deals with historiography. In this field Latin culture is still crude. Truthfulness as yet is the sole excellence of Roman annalists; they have really not advanced beyond the Greek type of the chroniclers such as Pherekydes, Akusilas, Hellanikos, men without even any consciousness of art or style. So too in Rome: Coelius Antipater (of the generation of Crassus) had made some beginning here. But most of this digression deals with the rich and finished types of Greek historiography. Even to value (55 sqq.) a Herodotus, Thucydides,

[1] Whenever Dio or Plut. wrote *σύμμαχοι*, they had before them the term *Socii* of conventional euphemism, veiling the relation of *subjects*.

Philistos, Theopompos, Ephoros, and Xenophon, a Callisthenes and a Timaeus, even to delineate their individuality [1] and character in Latin utterance, was something new. It was not the creation of a new culture, but the development of the Greek types in Roman production, which was the task of the next generations. Nor is there wanting a digression (2, 51 sqq.) on the study of Greek philosophy and what it could and should mean to Rome. Even more personal is that felicity of practical psychology in which the expert orator stands revealed (2, 178): "that we at last arrive at those greater concerns; for nothing is greater in an orator, Catulus, than this, that he who is to be the hearer shall favor the orator, and that he himself shall be stirred so as to be swayed by a certain rapture and upsetting of spirit, rather than by judgment and deliberation; for men form judgment of many more objects through hatred, love or desire or anger or pain or joy, or hope of fear or error, or through some other emotion, than by the truth or an axiom or a rule of Law or formula of a court or by statutes." It was the experience of his professional life. This great work was ready then in November, and Atticus was permitted to have copies made for publication. (describas licet, Att. 4, 13, 2.)

## 54 B. C.

Caesar's bitter and pronounced enemy Domitius Ahenobarbus was inaugurated consul on the Kalends of January. But the other consul, Appius Claudius, was a safe man, from Caesar's point of view. The capitalist in the coalition had hastened away towards Antioch and Damascus. In January Cicero sent him a political epistle. (Fam. 5, 8.) He has defended the absent proconsul on the floor of the senate and now assures him of his loyalty. The family of Crassus now relies on the orator. Cicero had earnestly sought to attach himself to Crassus, at the very beginning of his forensic career (probably as leader of capitalists). Later, suspicions rather than facts arose, to disturb this relation. Crassus' sons, Marcus and Publius, had been very near to the orator and man of letters. This at least we may believe without qualification or reserve. Most of the finer minds among the aspiring young men of that day were deeply interested in Cicero; they had widened their own powers by studying, nay by declaim-

[1] cf. the valuation of Callisthenes and Philistos (in Febr. 54), Quint. Fr. 2, 11, 4.

ing his oratorical works: he had blazed the way to distinction and held aloft the torch to them: Varro's antiquarian erudition was *sui generis* and certainly kindled no one. Early too in this year, before campaigning could be resumed, before Caesar crossed the channel for the second time, while Quintus was in the country, inspecting some of his building operations, Cicero uttered a judgment about Lucretius, not long deceased. That deep and gloomy enthusiastic disciple of Epicurus had reproduced in Latin hexameters the work of his Greek master dealing with the universe (περί φύσεως). Cicero has read, or read in, the philosophical poem. He found it pretty hard reading [1] though it had brilliant passages. To read it all called for resolute determination. "But I have a tougher task for you, when you come back to town. If you will read through the *Empedoclea* of Sallust, then I shall deem you more than human." That Cicero edited the poem, was probably a mere inference of later grammatici. The vigorous avoidance of Lucretius' name henceforward by Cicero's pen, particularly in the treatises of his last years, cannot very well be considered accidental. Did Atticus first undertake the commercial multiplication of copies?

It was February, the month in which foreign affairs were the chief topics on the floor of the senate. Cicero still had some power there: his witty and sarcastic tongue sometimes defeated or demolished some jobbery or other. The consul Appius [2] flattered him much, for he realized that if Cicero were to use this style of discourse, February would prove but a barren month for Appius. And that branch of the Claudians was again on the make. But the Arpinate was willing to deal gently with the financial opportunities of this Claudian, with whom he had made up. Some time before (ib. 4) Caesar had written the following to Balbus: "As to Cicero, I see you wrote something which I could not make out" (the bundle of letters had been soaked in water), "but as far as I determined the sense by conjecture, it was of a kind which I deemed rather an object to be wished for than to be hoped for." Cicero at once sent a copy of that letter to Caesar, perhaps at Ravenna. Caesar had jested about his own poverty. This was meant for Quintus, who by and by in the spring of this year was to enter the service of Caesar as a

[1] cf. paper by Sihler in the Transactions of the Amer. Philol. Association for 1897. — Quint. Fr. 2, 10, 4. The *Sallust* named is not the future historian.

[2] Q. Fr. 2, 10, 2.

legate. A legate's post was then considered very lucrative.[1] Besides, Quintus was to be a bond or link between the proconsul in the Northwest and the orator on the Tiber. Cicero was eager at this time to strengthen his connections in that quarter. A further link was furnished by Trebatius Testa, a jurist of great promise. Him Cicero recommended to Caesar for some preferment. (Fam. 7, 5, etc.) In this and other letters to Caesar, Cicero assumes a tone of somewhat forced affection, and even of exuberant sentiment, which hardly deceived the eminent judge of minds. As to brother Quintus he writes on February 13th,[2] "*I have for some considerable time been making that Caesar of yours the burden of my song. Believe me he rests on my bosom and I take good care not to rearrange my girdle*" (lest he slip down). We can make our own inferences. At this time Balbus in Rome seems to have been the chief confidant of the proconsular Caesar and also the most influential representative of his interests. Caesar's second crossing of the channel was looked forward to and commented upon in Rome. "In Britain," Cicero writes to the jurist, "I hear there is no gold or silver whatever: so I urge you to seize some chariot and hurry back to us." (Fam. 7, 7, 1.) Atticus went to Buthrotum this spring. (Att. 4, 16, 1.) The achievement of his *De Oratore* had whetted Cicero's appetite for production. He arranges to avail himself of the library of Atticus, during the latter's absence. He mentions particularly Varro's works, of which Atticus had a copy but Cicero had not: for Cicero now is gathering material for a comprehensive treatise on the State (*de Republica*). The actual moment, and the circumstances of the times, furnished coloring and point in some earlier portions of this work. Up to June 1st he was to sojourn in his villas on the gulf of Naples. "I am engaged in writing (58) the work I told you of, πολιτικά, a task of crowding material and calling for much labor. If I shall succeed in accordance with my design, my toil will be well invested; otherwise I shall throw it into the sea which I have before my eyes as I write. I shall (then) tackle other subjects, *since rest I cannot.*" Atticus had urged his friend to give the erudite Varro some place or figure in his writings. In the crisis of 58–57 Varro had been active in the exile's behalf. As to the general literary form Cicero sought his own prototype in the dialogues, not of Plato, but Aristotle, which essayed not the

[1] Labienus e. g. rebuilt his native town of Cingulum. *Val. Max. 8, 14, 5.*

[2] Q. Fr. 2, 11, 1. iampridem canto istum Caesarem.

dramatic investiture of his master, but were unfeignedly didactic and expository.[1] But Cicero as in the *De Oratore* does not personally appear, but chooses his great political ideal, Scipio Aemilianus, as the mouthpiece of his own propositions; Aemilianus, to the settled Cicero the incarnation of his civic ideals. The time is the year of his death (129 B. C.) and Cicero surrounds him with some of the noble figures of that time. Otherwise Cicero holds to a definite reserve in the questions of the day, endeavoring earnestly to offend no one: as Quintus urged by letter. Particularly significant at this time are the brief notes in Cicero's letters: notes dealing with the canvass of consular candidates. No symptom of the irresistible disintegration of things political was more ominous then nor is more impressive now. The candidates[2] were M. Valerius Messalla and M. Aemilius Scaurus, these two of patrician descent; the others were Cn. Domitius Calvinus and C. Memmius. The latter relied largely on Cisalpine Gaul and on those soldiers of Caesar who could come to vote. These were current observations made in July. (Att. 4, 16.) (Atticus was still away in Greece, planning to go into Asia also.) The electoral canvass of some of the candidates even engaged the official notice of the senate in that summer. It was a very hot summer. Later on Cicero went to his cradle spot near Arpinum, that higher site on the slopes of the Apennine and cooler in every way. Here too he inspected various improvements in connection with structures and roads; Quintus had two seats in this district, '*Laterium*,' and '*Arcanum*,' both betokening the quest for privacy. What Marcus here observed he reported to Quintus in Britain. The architects almost throughout seem to have been Greeks. Of one country house the orator wrote: "The present villa seems as it were adapted to the pursuit of wisdom: it chides, through its simplicity, the mad extravagance of the other villas." (Q. Fr. 3, 1, 5.) As autumn came on[3] Cicero returned to Rome, whence on October 1st he wrote[4] more details of the thickening of the electoral plots, particularly of a very peculiar compact or contract: the candidates Memmius

[1] Cf. Gercke on Aristotle (in Pauly-Wissowa s. v. col. 1034 sq.), who refers to Att. 4, 16, and 13, 19, 3.

[2] Lange, 3, 345.

[3] Quint. Fr. 3, 1. Gabinius returning from Syria was near Rome on Sep. 20 and entered Rome on Sep. 28.

[4] Att. 4, 17, 1.

and Calvinus were to give to the consuls (Appius and Domitius Ahen.) each 400,000 sesterces, provided they were chosen themselves and should then fail to present three augurs who were present when a lex curiata was passed, which was not passed at all, and further (this payment was due) if they failed to present two consulars who were to allege that they were present at the equipping of the consular provinces, whereas on that day there had not been any meeting of the senate at all. Memmius himself disclosed this fine contract in the senate. Ahenobarbus was crushed, but Appius brazened it out.[1] Ultimately all four candidates were indicted for electoral corruption (*ambitus*). "The matter is in a great stew, because either the catastrophe of the individuals or of the constitution is foreshadowed." (Oct. 3.)[2] The worthy Appius however made no bones about it, that he would succeed to the present proconsul Lentulus in the province of Cilicia. He did succeed him. He had paid a visit to Caesar early in this year.

One of these famous four candidates was Aemilius Scaurus,[3] of whose insane Aedilician expenditures we have heard before. On June 29th he had returned from his praetorian province in Sardinia. He was accused before the praetorian tribunal of the great Cato himself for extortion and acquitted. There were five other pleaders besides Cicero; amongst these were Cicero's quondam school-mate M. Marcellus, also Hortensius and Clodius. Instead of examining the charges with scrupulous care, Cicero belittled the Sardinian provincials, who by tribe and origin were mere Phenicians, no better in fact than the Carthaginians themselves, in short a race deeply mendacious. In the defense there were produced written eulogies composed by nine consulars. The conclusion of this trial (as related by Asconius) was as follows: those who interceded for Scaurus by throwing themselves at the feet of the jurors were ranged in two divisions. Scaurus was himself attended by kinsmen and relatives by marriage. He was acquitted, 57 ballots to 8.

Likewise did Cicero this summer defend *Cn. Plancius*, who, when quaestor of Macedon (58 B. C.), had earnestly befriended Cicero in those dark months of exile at Thessalonica. Those stirring emotions Cicero used vigorously to kindle kindred sentiment in the jury, viz. those of pity and of sympathy with a grateful soul (99 sq.). The trial came off some time before the Roman games, i. e. in August. The prosecutor,

[1] A few years later he was even elected Censor.

[2] Q. Fr. 3, 2, 3.

[3] V. Asconius' *argumentum* in Scaurianam, p. 18 sq. Asconius found the exact data in the *Acta Publica*.

a young aristocrat, *Laterensis*, had said in his plea, that the reason why Cicero in his own statute against corruption had provided the penalty of exile, was this, that he might be able to utter perorations, in which he could so much more effectively appeal to the pity of the jury.

In this case there was specifically applied the *Lex Licinia de Sodaliciis*. (Cf. Orelli's Index Legum, pp. 199 sqq. Lange, 3, 349.) This was a statute of the preceding year 55 B. C., drawn or proposed by the consul Crassus himself. It was designed to punish electoral practices of a peculiar kind, viz. if a candidate for office had availed himself of illegal support furnished by social bodies and fraternities, clearly a peculiar form of *Ambitus*. But under the statute of Crassus, the trial was rendered much more dangerous and severe for the defendant. The prosecutor, without considering the panels at all, could name four specific tribes, from which the jurors were to be taken (iudices editicii): only one of these tribes could be rejected by the defendant. We pause for an unavoidable reflexion. Crassus, when his plans for foreign conquests had been provided for, Crassus in fact, himself deeply tainted in his career with electoral violence and corruption, was the author of such a law. The machinery of the government was ever more swiftly disintegrating, while the very engineers themselves were sometimes accelerating, sometimes checking, or seeming to check, that process. So too, Caesar, than whom no Roman pro-consul more drastically exploited the financial opportunities of his provinces, was himself the author of a great reform bill, dealing with the whole sphere of provincial government and misgovernment, viz. the Lex Julia de Repentundis of 59 B. C.

In Cicero's defense of Plancius (60) there is an excursus of a social and political nature, which we may well transcribe: "You ask what Plancius could have attained more, if he had been a son of Cn. Scipio. He would not indeed in any higher degree have been able to become Aedile, but he would have this advantage (he would excel in this) *that he would be less an object of envy*. For the steps (*gradus*) of public office are equally open to the highest and lowest men: but the degrees of renown differ. Who of us dares to call himself the peer of M. Curius, of C. Fabricius, of C. Duellius, who of Atilius, Calatinius, who of Cn. and P. Scipio, of Africanus, Marcellus, Maximus? Still we (I?) have attained the same plane of public office as they. For in merit there are many upward paths, so that he excels most in glory, who is most prominent in merit. The consummation of office bestowed by the people is the consulate. This magistracy some 800 men have attained; of these, if you will make careful inquiry, you will find, that barely one tenth deserves any renown." At this time Cicero was immersed in retrospect and genuine study of the history of the Roman commonwealth.

The letters which Cicero during this year sent to Quintus in the field, have, as I suggested above, a peculiar character. They

are profuse in their protestations of admiration for the conqueror of the Northwest: "Caesar's great affection for me, which I rate higher than all the honors which he insists I must expect from him." (Quint. Fr. 2, 13, 1.) "Therefore you act as a brother should, in that you urge me, but in all truth you do urge one who is actually running at the present time indeed, to bestow all my most earnest devotion (*studia*) on him above all others. I indeed with my glowing zeal shall perhaps accomplish this, which often happens to wayfarers when they are hastening, that, if perhaps they have arisen from sleep later than they wished, by hurrying they reach the point they wish to reach more quickly than if they had been awake before daybreak, thus I, while in the task of cultivating that man, I have so long been sound asleep, — while you perhaps have been stirring me up often. I shall by speeding atone for my sloth, availing myself of the four-horse chariot of verse; you write that he commends my poem: only give me Britain for a theme, which I shall paint in such a way, that you furnish the colors and I the brush." Such luxuriant prose was probably meant for Caesar's eyes no less than for those of Quintus. It is still Clodius of whom the Ciceros stood in a certain apprehension. Marcus says bluntly (Quint. Fr. 2, 14, 2) that his confidence for the coming year is based on the fact that he possessed the favor of Caesar and Pompey. Professional duties were engrossing; "never had he been more occupied with cases and trials." (ib. 2, 15, 1.)

At the same time he followed with care the education of his nephew Quintus, who about this time was making the transition from Grammaticus to Rhetor. The latter is Paionios, a Greek. Young Quintus was then 13–14; cf. Quint. Fr. 2, 12, 3, and particularly 3, 3, 4. Cicero held that his own way was to train a young person more to deal with θέσις (thesis), i. e. with abstract and general themes, which permitted deeper discourse, and wider and nobler flights in actual oratory. Cf. my paper on Θετικώτερον, American Journal of Philology, 1902, pp. 283–294.

In this summer too, in August, Cicero defended Vatinius, servitor of Caesar in 59, whom Cicero had abominated both personally and as a vicious type in the current politics of the last five or six years. To defend such a man, — it was a bitter necessity, but what should he do? He could not blow hot and cold with Caesar at that time. Young C. Licinius Calvus (Tacit. Dial. 21) was the prosecutor, seeking fame in this well established

manner. Vatinius was charged with *Ambitus* in securing the praetorian election above Cato. The whole case must have been doubly humiliating for Cato's sincere admirer, Cicero.

Even more distressing was what was in store for him as a consequence of the return of Gabinius [1] from his eastern exploits. That return had been extraordinarily slow and late (Dio 39, 62): he entered Rome on September 28th at night, and kept out of the public eye. He was first tried for High Treason (*Maiestas*) in October, and was acquitted. Pompey had been drastic in his examination of the jurors. When Dio says that Cicero accused him most violently, that is merely constructive invention. Cicero viewed the outcome philosophically. He intimates that the jury was corrupt or otherwise contemptible. But Cicero also foresaw that the restorer of Auletes could not possibly escape in the impending trial for extortion. The orator looked upon the general situation in that autumn in a pessimistic way. "You see (ib. 3, 4) there is no government, no senate, no courts," we have the outward forms, but it is all a sham. The forensic point of view was his favorite point of view for estimating the soundness or unsoundness of public affairs. Cicero shunned a break with Pompey. He had learned that Pompey would not endure political opposition from [2] the orator. Pompey had earnestly entreated the Arpinate to undertake the defense. For the moment Cicero considered such an act as one of "undying infamy." (ib. 3.) Cicero rather flattered himself that he had acted wisely in this "Intermediate" policy. But Cicero did take the defense: Pompey had been too much for him after all; he was still, if without fear (of Clodius), not without concern for the coming year.[3] Gabinius was charged with having received ten thousand talents from Ptolemy Auletes. His estate was not equal to such restitution or indemnity to the state; so he went into exile.

Some of the funds involved in that famous restoration were traced to, or claimed from, C. Rabirius Postumus.[4] Caesar had interposed his powerful influence for the proconsul of Syria,

[1] Drumann, 3, 53 sqq. Mommsen, *Strafr.* 557. Lange, 3, 357. Q. Fr. 3, 3, 3.

[2] This is in conflict with his brave affirmation, *Rabir. Post.* 33, but such antitheses of fact and profession are not rare in Cicero and in all the history of his avocation.

[3] *Q. Fr. 3, 4, 4:* non enim sumus omnino sine cura venientis anni, etsi sumus sine timore.

[4] cf. monography by *H. Dessau,* Hermes, 1911, 613.

but it was a Caesarean statute, the Lex Julia de Repetundis, under which both were indicted. The loans of Rabirius to the unworthy Lagide had not been repaid: the king had broken his word. Rabirius was a type of the equestrian speculator and promoter. Bonds had been signed even in the Alban villa of Pompey: (6) Rabirius had borne the official character of "Royal Administrator" (Dioecetes Regius, 22), had even worn a Greek cloak in Alexandria. Pompey had come forward as a witness in the last trial of Gabinius; the king had written to him that no funds had been given to Gabinius, except for military purposes. Caesar had stood by the unfortunate financier (41). In fact Cicero goes out of his way to extol the proconsul of the Northwest (42). His kindliness to poor ruined Rabirius is more noble than his military achievements, then filling the eye and ear of the times. "To select a place for a camp, to marshal his army, to take cities by storm, to overthrow the front of the foe, to face this force of frosts and winters, which we barely endure in the dwellings of this city,[1] to pursue the enemy in those very days, at a time when even wild beasts snuggle in their lairs, and all wars are at rest under the Law of Nations."

It was in the latter part of November 54 that he was informed by his brother of winter quarters: Cicero's query was: should he send his letters for Quintus in the care of Caesar or in that of Labienus. For where and how far distant those "Nervians" were, he did not know. How little therefore the great campaigns of 57 were as yet known in Rome!

In the autumn, or the late summer of this year, Caesar's daughter and Pompey's consort had died. Cicero alludes to Caesar's sorrow (Quint. Fr. 3, 1, 25; 3, 8, 3). In this autumn, after the campaigning of that year was over, Cicero is still planning about his Epic of Caesar's Britannic expeditions. He hopes to find leisure for it during the Supplications when all professional labor must pause. (Quint. Fr. 3, 8, 3.) That year came to an end without any consular election whatever. There was much talk of a dictatorship in the waning year, in which talk a Tribune, Hirrus, was very prominent. Of course Pompey was to have that power. A dictatorship was then considered with apprehension and was extremely unpopular. The genuine sentiments of the orator as to Pompey were deeply distrustful and bitter (ib. 4). The words "*quam ineptus! quam se ipse amans sine rivali!*" are taken by Dr. Tyrrell as meant not of Hirrus but of Pompey himself. Milo was beginning to curry public favor for

[1] Or did Cicero insert this in the spring of 53, after the series of bitter surprises of winterquarters (54–55 B. C.) had become history?

his impending consular canvass. To this end he was planning games (ib. 6) on a scale of splendor and lavish expenditure never equalled before. Cicero owed much to Milo, in connection with his restoration. He felt that he must throw himself into this canvass with all his might. Still he hopes this will be the last struggle of this kind in his career (3, 9, 2). Otherwise Cicero was becoming more and more cautious, even in letter writing, uncertain at best as to its measure.

In this year 54 we receive the first direct data of Cicero's Greek freedman and secretary, Tullius Tiro. Did Cicero himself with his playful humor call him a *recruit*, enlisted under the literary standard of his patronus? He was not robust; cf. of this year Fam. 16, 14, where we note the passage: 'tuas litteras, humanitatemque, propter quam tu mihi es carissimus'; his personal culture and refined spirit it is, on account of which Cicero feels so warm an affection for him. He was much more to Cicero than a mere amanuensis.

## 53 B. C.

Atticus had returned from Buthrotum and farther East. Brother Quintus in this winter of 54–53 had maintained himself and his winterquarters in the sudden and desperate siege [1] by the Nervians with a resolution and even firmness which we cannot but admire. And this is the more deserved, because we know how often Marcus had laid stress on the soft and yielding and emotional elements of his brother's temperament.

We may assume that Cicero in this year, what time was left him from his private forensic practice, kept working on his great theme, on the State. But of this we have no records. Month after month went by without consular elections. One standing device was to observe the heavens. Besides there were Tribunes who enjoyed the power of intercession to the full. Being the only officials on the surface of public affairs [2] they also presided over the games the first half of the year. Some of them planned for military Tribunes with consular powers, as one could read in the Annalists and the Annals of the Earlier Republic. Sulla's indelible record was too near in the past to make that device attractive then. Cato too was bitterly opposed to any dictatorship.[3] It seems it was Pompey's initiative after all,[4] which led to a consular election in the month of July.

In June (really May of solar year) of this year the proconsul

[1] Caes. B. G. 5, 39–52.
[2] Dio, 40, 45.
[3] Plut. Cat. Min. 45.
[4] Dio, 40, 46.

Crassus [1] perished in the sands beyond the Euphrates, after the greater part of his legionaries had fallen victims to the archery of the wily Parthians, and after his nobler son Publius had been sent out to his death. Of the three major politicians in the Great Pact, Crassus Dives was more profoundly antipathetic to Cicero's finer humanity than the other Two. Of late Cicero had supported Crassus on the floor of the senate from political necessity. In his later writings Cicero referred to him as the incarnation of insatiable greed.[2] He even nine years later wrote of Crassus in the following vein: if Crassus had been given the power to be written as heir in a will where he really had no legal claim to share in the estate, he would not only have snapped his fingers (in public), but (if it had been required) would have even danced on the Forum before the general public. He belonged, furthermore,[3] to that class of men, "who endure all things and devote themselves to the interest of anyone whatsoever, provided they gain their object." The catastrophe beyond the Euphrates had some influence on the life of Cicero. Publius Crassus, who perished with his father, had belonged to the collegium of the Augurs. Of all the aristocracy of the imperial city Cicero had loved him most.[4] It was in Publius' vacant place then that Cicero was named by Pompey and Hortensius [5] and thus held this distinguished public honor during the last decade of his life. The Augurs had no real mantic function, they were not forecasters for the commonwealth: their chief function was to secure the approval of the Roman gods for specific proposed acts affecting public affairs and the official conduct of public men. That Cicero was vigorously stirred by this promotion to study seriously the lore and tradition of this Roman institution, goes without saying and will become more palpable further on. Age alone gave precedence in the discussions of the board. His own personal fellowship with the great names of Roman annals was thus more strongly established. The trend of the times as well as the deeper affinity of his culture had more and more made him into a staunch conservative.

On Augurs, cf. Preller-Jordan, 1, 123, sqq. "The auguraculum" was on the Capitol, Off. 2, 66. The Greek equivalent is οἰωνοσκόποι; cf. Mar-

[1] Plut. Crass. 25 sqq. Athenaeus, 6, p. 252 D.
[2] *Off. 3, 73, 75.*
[3] Off. 1, 109.
[4] Fam. 13, 16, 1.
[5] 2 Phil. 4.

quardt, 3, 397 sq. Mommsen, St.str I, 2, 73, 114. Nissen, Das Templum. Wissowa, in his Encycl. s. v. *augur*, col. 2333, bases his generalizations (at the passing of the Republic) on Cicero, *de Divinatione*, 1, 105. Why Suringar, p. 715, introduces the Euhemerism *of* Cicero, or the Euhemerism *in* Cicero, at this point, I do not understand. Did he wish to vindicate Cicero's advanced thought? By the bye it seems that of all of his colleagues in the board Appius Claudius, the oldest brother of Clodius and all the Clodias, made the strongest impression (as an expert in this lore) on the grateful Arpinate, e. g. Divin. 1, 105.

In this year Cicero took up, or began more seriously to cultivate, political relation with the younger Curio (Fam. 2, 1), then quaestor of Gaius Claudius in Asia. Cicero knew his earlier life at very close range indeed, but could not be very squeamish on that score. Everyone it seems in that generation who sought to rise by his own parts (*virtus*) mainly, eagerly craved Cicero's recognition, and sought association with him. The latter suggests the great expectations entertained of Curio at that time. Cicero on occasion could be charmingly complimentary. There had been some services of Curio it would seem in connection with Cicero's exile. The elder Curio died soon after, at Rome. (Fam. 2, 2.)

In the second part of 53 B. C. occurred the surprise and sudden assault of the Sugambri on the castellum of Aduatuca, commanded by Quintus Cicero for Caesar as the general base of the punitive expeditions organized by the proconsul (Caes. B. G. 6, 36 sqq.). But Quintus at that time acted carelessly, one may say, culpably so. It is quite possible, nay psychologically probable, that Quintus, stung by the reproof of Caesar, perhaps in a huff, withdrew from the legateship. Perhaps a glimpse is furnished by Att. 11, 9, 2 (January 47). Hic Ligarius furere: se enim scire, summo illum (scil Quintum) in odio fuisse Caesari, illum tamen (sc. Caesarem) non modo favisse, sed etiam tantam illi pecuniam dedisse honoris eius causa. Caesar's liberality to Quintus as due to Marcus. Of which there can be but little doubt.

## 52 B. C.

The civil year again had ended without any consular election. The struggles of the chief candidates had been,[1] and still were, desperate. Now Cicero, one of the most grateful characters of ancient history, earnestly supported that one among the principal competitors who was not supported either by Pompey

[1] Ascon. in Milon. 31 sq.

or by Caesar himself. This was Milo. Political expediency and computation of advantage were utterly set aside by the Arpinate in this matter. Of Milo he had written not long before the beginning of this year. "I have firmly centered all my zeal, all my activity, concern, industry, reflexion, in a word, all my mind, on the consulate of Milo, have made that their point of concentration (lit. have made that their abode) and have made up my mind that, in connection with his case, it behooves me to aim not only at the practical result of a duty, but also at the renown attending faithful devotion." (Fam. 2, 6, 3.) Milo, as noted above, had been extraordinarily lavish in entertaining the Roman electorate with games; Clodius in turn had exerted himself to the utmost to ruin Milo or manoeuver him from the field before any election.[1] Thus Cicero's political friend was compelled to make a formal declaration as to his financial status, and he deposed that his liabilities were six million sesterces ($246,000). This figure, Clodius claimed, was far too low. And Cicero on the floor of the senate had vigorously defended Milo. The other aspirants for the consular dignity were P. Plautius Hypsaeus, once a quaestor of Pompey in the Eastern wars, and Quintus Metellus Scipio, an adopted son of the late Metellus Pius. Clodius was a candidate for the praetorship: this office he readily discerned would avail him but little, if he held it while a Milo was consul. Pompey had been opposing the summoning of the patricians to name an Interrex. (Ascon. p. 32.) This was the wretched condition of the current government, a veritable *impasse*, when a political homicide brought the crisis of many years to a certain conclusion. On January 18th, on the Appian Way, near Bovillae, Clodius encountered Milo. Clodius on horseback, attended by some thirty slaves, was returning to Rome. Milo with his consort Fausta (daughter of Sulla and divorced wife of C. Memmius) was travelling towards Lanuvium, seated in a carriage, with a large body of armed slaves, among them some noted gladiators. When the cavalcades had almost passed each other, two of Milo's gladiators picked a quarrel with the hindmost of Clodius' slaves. Clodius, with angry mien, turned in the saddle to see what it was. Birria, one of the gladiators, at this point hurled a javelin into the shoulder of Clodius. Clodius was carried into a wine-shop by the road-side. Milo, when he realized the situation and swiftly pondered the future, ordered

[1] Whether late in 53 or early in 52. *Fischer, Zeittafeln*, p. 254. Schol. Bol. 341.

his men to drag Clodius out of the tavern and he was dispatched there with many wounds. We may conceive it a sequel of Cicero's feud with the young libertine, in consequence of the Bona Dea scandal, some nine years before. A Senator who by chance was returning to Rome, carried the corpse of Clodius into the city in his litter. At dusk it arrived at the home of Clodius, where his wife, the passionate and domineering Fulvia, received it with boundless lamentations. The feeling that Clodius had perished as a martyr of the poor, spread like wildfire. His mansion was on the Palatine. He had become very rich in his political career. Minor politicians, eager to turn the excitement to account (they were Tribunes), had the body promptly carried down again, just as it lay on the litter, with all the wounds, and had it placed on the Rostra. Then these aforesaid politicians, Q. Pompeius Rufus and T. Munatius Plancus (Bursa), harangued the people against Milo. Nothing could be more seasonable for them. They supported the other two candidates. Feelings rose higher. Led by a secretary of Clodius[1] the populace bore the corpse into the senate house. There they cremated it, by using for fuel, chairs, platforms, tables and the codices of book-sellers whose shops were close by. The entire curia went up in flames. An attack on Milo's mansion (he had not returned) was repulsed by archery. The mob then carried fasces snatched from the loan stock of the undertakers, to the houses of Scipio and Hypsaeus, and afterwards out of the city to the park of Pompey,[2] acclaiming him now as consul, now as dictator. We must not pursue this critical incident in too great detail. But it shook all of Italy as by an earthquake. Universal lethargy and paralysis began to yield to the resolution for action. The senate voted that all men between 17 and 46 should take the military oath. (Caes. B. G. 7, 1.) The Senatus Consultum Ultimum was adopted, empowering the Tribunes, the Interrex and Pompey to act, the latter to enroll troops in all Italy. (Ascon 35, Dio. 40, 49, 50.) The performances of Bursa and his colleagues, the extraordinary form of cremation, and the subsequent attempts of criminal fury had caused some reaction of public sentiment in favor of Milo. On the whole, however, there was a fairly unanimous desire to place the executive power of govern-

[1] Sext. Clodius Ascon. p. 34.

[2] As a proconsul he resided outside of Rome.

ment, if need be, in some extraordinary manner, in the hands of Pompey. Some demanded that Caesar be chosen sole consul. (Dio, 40, 50.) At that particular juncture indeed he could not have heeded such a mandate, for the great national rising of Vercingetorix was all but ready to flare up in the Keltic world.

In the senate then, Bibulus, seconded by Cato himself, moved that Pompey be sole consul. (Plut. Cat. Min. 47.) Cato had indeed insisted that the Laws ought not to owe their security to Pompey, but Pompey to the Laws. But *any* governmental power, he admitted, was better than anarchy. There was some hope too, no doubt, that thus at last some beginning might be made to isolate the proconsul of Gaul.[1] Pompey certainly, "by accepting this post of consul without colleague, certainly became less *popularis*. Pompey had manoeuvered not a little, on his part, to have all this come to pass, by that indirection [2] of which he was a master. The Interrex Servius Sulpicius Rufus chose the Only one in the intercalary period tacked on to February this year, actually sixty days after the killing of Clodius. Pompey at once entered upon his third consulate, not ten, but only three, years after his previous one. All the most powerful currents in the political tide ran counter to Milo's further ambition, and the power and prestige of Pompey seemed greater than ever. The harangues too of popular Tribunes like Bursa, Rufus and Sallust, at first at least, set heavily against Cicero. Still the Arpinate clung firmly to his nobler resolution. Or shall we, must we perhaps, say, that he hated Clodius, even the dead Clodius, more than he feared the living Pompey? It may fairly be said that since the settlements of Luca (April 56) his apprehension of Clodius had been the deepest motive in the general policy and attitude of the advocate and man of letters. There are subconscious strata and movements in the human soul. On the one hand there was his restoration, and warm and unstinted gratitude for each and every one that had been active in it. On the other hand there had been a curious blending of two things, viz. of intense hatred of the seducer of Pompeia and fluttering, never composed fear of the same. Had Cicero soberly asked himself whether a breach with Pompey was possible, probable or certain, if he persisted in his design of defending Milo? No epistolary

[1] *Dio, 40, 50, 5.* ἀπορρήξειν τε αὐτὸν ἀπ' ἐκείνου παντάπασι καὶ σφετερισεῖσθαι ἤλπισαν.

[2] Lange, 3, 365.

note of self-revelation deals with this topic. Asconius on the whole admires Cicero sincerely, but at the same time never allows his sober scrutiny into the facts to be swayed by Cicero's rhetorical bias. That scholar says: "so great was the firmness and loyalty of Cicero, that not by the people's estrangement from himself, not by the suspicions of Cn. Pompey, not by the fear of future danger (if he should be summoned before the people's court), not by the arms which had been openly taken against Milo, could he be intimidated to abandon his defense, whereas it was in his power to avoid all personal danger and collision with the multitude, and to regain the affection of Pompey,[1] if he should merely relax a little in the zeal of his defense." In accordance with Pompey's preliminary plans a special Trial Justice (Quaesitor) was elected out of the consulars available, viz. L. Domitius Ahenobarbus, Cato's relative and Caesar's enemy. A special panel of jurors was chosen by Pompey. Everyone was agreed that never had there been made a collection of men who were more renowned or were of more unimpeachable life. (Ascon. p. 39.) A new statute against violence (*de Vi*) had also been enacted through Pompey's initiative. It dealt specifically with the homicide near Bovillae and with the subsequent crimes of arson. Another Lex Pompeia dealt with corrupt practices (*ambitus*) at elections: it made the penalty more severe and shortened the procedure. First the evidence was to be taken; for this three days were allowed: then, on one and the same day the pleadings of both sides were to be delivered, the prosecution being given two hours and the defense three. Milo was indicted for three distinct offenses: *De vi*, *de sodaliciis* (law of 55) and *de Ambitu*, each to be a separate trial. When the taking of evidence began, the "Claudian multitude standing about" indulged in angry outcries to such a degree that M. Marcellus, while examining a Clodian witness, was compelled to seek refuge on the tribunal of the trial judge Domitius. Pompey deemed best to surround the further sessions with military guards. It was indeed a political trial and it was accompanied by a veritable climax of social and factional feeling. The last day arrived. It was exactly one hundred days after the sanguinary encounter on the Appian Way (in this year of intercalation = April 8th). The shops throughout the city were closed. Troops guarded the Forum. The drawing of the jurors was begun at daybreak.

[1] Redimere autem Cn. Pompei animum.

Soon after seven in the morning the prosecutors pleaded; one of them was Mark Antony, who after Curio married Fulvia, then the widow of Clodius. These used up their two hours. Cicero alone spoke in defense of Milo. When he began his discourse, there was an outcry of the Claudian multitude, a hooting not even checked by fear of the surrounding soldiery. The great orator, constitutionally nervous, as we know, at the beginning of every forensic speech, and never perhaps without a certain histrionic consciousness, utterly failed, on this superb occasion, to do justice to his powers and to his sovereign reputation. In vain [1] Milo had prevailed upon him to remain quietly in a litter until the jurors were gathered and the court fully constituted. The bristling circle of legionaries particularly seems to have ruffled his composure. In Cicero's circle it was held that this impairment of delivery had much to do with the result. Milo was found guilty.[2] The challenging of the jurors and the incidental rejections took place after both sides had pleaded. Fifteen in all were thus eliminated. Fifty-one remained to give the verdict. The jury stood thirty-eight for condemnation and thirteen for acquittal. In a certain way Cicero's arch-enemy had triumphed over him even in death. But the Arpinate, deeply wrought up by this failure, composed an entirely new defense which we now possess. By this defense of Milo he would satisfy his professional self-respect. By this likewise he designed to place in a definite form his final and farewell estimate of the man to whom he owed the deepest miseries which his life so far had tasted. How long after his forensic discomfiture did he compose our speech? Probably not very long afterward. His intellectual elasticity and the recuperative energy of his volition place Cicero among the most gifted of men of all time. To condense the point and power of this literary oration in narrow space is difficult. I shall not attempt it. For the highest aim of this volume is to guide the reader, if it may, back into Cicero himself. Few speeches of Cicero lend themselves so readily to an estimate of his rhetorical craft and cunning. His narrative of the facts (24 sqq.) is neither exact nor is it meant to be. He desires to prove or demonstrate that Clodius had long entertained designs to destroy Milo, and that the latter in "the battle of Bovillae"

[1] Plut. Cic. 35: minute data from Tiro, who at this time was always at Cicero's literary elbow, and was a witness of everything.

[2] Asconius, 53. The great Cato was on that jury.

really acted in self-defense. Cicero is not an historian but the interested patronus of the defendant. Clodius living was more advantageous (35) to the consular aspirations of Milo than Clodius dead, whereas to Clodius the death of Milo was a consummation most welcome. Clodius had threatened the life of Milo (52). Incidentally we learn that Cicero's arch-enemy, left penniless with his two brothers and three sisters at his father's death, had risen to vast wealth in the rôle of renegade nobleman and radical defender of the poor, as is often the case still. His villa near Bovillae was then building (53) and the substructural vaults of it were so vast that one thousand men could use them as a fortress or temporary encampment. These earlier argumentations are presented with a certain judicial and logical sobriety and a very strong coloring of fairness and plausibility. But Cicero was an actor too of his own concerns, and by no means merely a pleader for another man. It was Cicero the victim who, with all the power and intensity of an extraordinarily sensitive temperament, turned once more to rend the life and public career of P. Clodius Pulcher. In a dramatic manner he presents Milo as entitled at least to utter the following (§ 72): "I have slain, aye, I have slain, not Spurius Maelius, who, by alleviating famine and by sacrifice of his private estate, because he seemed to attach the plebeians to himself too warmly, fell into the suspicion of seeking a throne, not Tiberius Gracchus, who in riotous procedure dispossessed his college from office, whose slayers filled the world with the renown of their name, but him (for Milo would dare say it, when he had freed the country at his personal risk) whose wicked adulterous intrigue the high-born Vestals did come upon as perpetrated on the dinner-cushions, hallowed for the gods, him by whose punishment the senate often voted that the ritual of our religion should be cleansed: him of whom L. Lucullus under oath said that he had ascertained through torture-accompanied examination of slaves, that he (Cl.) had committed wicked debauchery with his own sister, him who by the arms of slaves drove into exile a citizen whom the senate, the Roman people, all nations had declared to be the preserver of the city, and of the lives of the citizens, him who bestowed and took away kingdoms, who shared the wide earth with whom he wished, him who after committing untold slaughter on the Forum drove the citizen preeminent through merit and renown (Pompey) into his house by the force of arms, him who

neither in act nor appetite recognized any wickedness," but why complete the register? It proceeds in decrescendo. It is probable that Cicero in this year began to add to his essays on lasting concerns. He probably took up his *De Legibus* to continue his treatise on the State by a sequence canonized for him by Plato. We can readily see why the literary presentation of the pleader's achievements, so long continued, for almost thirty years, should have wearied himself, if not his generation.

There are many indications that Cicero neither ever completed his treatise on the Laws, nor published it. The absence of all preface to the existing books is one point. Unevenness has been noted, many important topics are merely given in outline. Cf. Reifferscheidt in Rh. Mus. vol. 17, p. 269 sq., and Vahlen's editions. The omission of this work in the familiar survey of his production in this field, de Dio, 2, 3, is alone an adequate proof of the fact that Cicero left it a torso.

In this year Pompey caused to be enacted many measures of political reform.[1] The mechanism of trials was simplified and the procedure accelerated, as we saw in the case of Milo. There was even a retroactive clause in his statute of *de Ambitu*. But his own position as dynast was strong enough in some cases to save some political adherent from his own law. His own father-in-law, Metellus Scipio, was indicted for *Ambitus* by Gaius Memmius his condemned competitor. But Pompey lowered himself to the point of summoning the entire panel of 360 jurors to his house (in the Carinae?) and urged them to be considerate (Plut. Pomp. 55). Scipio was actually escorted from the Forum by them, and the prosecutor Memmius, who had done precisely what Metellus had done, accepted his fate and went into exile. Pompey however was less fortunate in a case in which Cicero had a share. T. Munatius Plancus (Bursa), a Tribune, jointly with his colleague, the notorious Sallustius Crispus, had been active as we saw, to use the killing, nay the very corpse, of Clodius to foment public disorder. The case came on soon after December 10th, 52.[2] Cicero was the prosecutor. Pompey even sent to the trial a written eulogy of Bursa which was read to the jurors;

[1] Lange, 3, 369. Ascon. 37. Dio, 40, 52, 55.

[2] ἐπειδὴ πρῶτον in Dio, 40, 55 seems to reproduce the Latin *cum primum*. Dio's reference to Cicero's oratorical *impotence*, at the end of that chapter, is consistent with his general treatment: Dio belittles Cicero whenever he can, or rather whenever he thinks he can.

on which occasion Marcus Cato, a juror there, stopped his ears with his hands in open court. Dynast and reformer: the rôles could not well be borne by one and the same personage. Admirably a great Roman historian later on called Pompey "the originator and subverter of his own Laws."[1] As to Bursa, Cicero wrote to his friend, the recluse Marius: "I surely know that you are glad, but you are too reserved in your congratulations. For you think that on account of the contemptible character of the fellow I deem the satisfaction not so great. Believe me I rejoiced more in this verdict than in the death of my private enemy (Clodius). In the first place I prefer that it should have been accomplished by a trial rather than by the sword, with the renown of a friend rather than with (such a one's) disaster, and particularly I was delighted by the fact that so strong a sympathy of good citizens had arisen in opposition to the incredible exertions of a man (Pomp.) preeminently distinguished and powerful. Clodius was at least tremendously in earnest, but this Bursa, this ape,[2] just to amuse himself, chose me as the object of his attacks, and persuaded some of my ill-wishers, that he would always be ready to let slip at me." (Fam. 7, 2.)

At this time Cicero more than ever was overwhelmed with professional work (ib. 4) in the courts. The shorter procedure under Pompey's law had greatly increased the number of cases which could be disposed of in a given time. The correspondence of Cicero in this year is slender. There is no trace of Vercingetorix and the mighty rising of the Kelts which for a while tested all the genius of Caesar and jeopardized all his previous achievements beyond the Rhone. Rome was indeed an imperial city, but her home vision was narrow after all.

[1] Suarum legum auctor idem ac subversor. Tacit. Ann. 3, 28.

[2] Dr. Tyrrell's version.

## CHAPTER SIXTEEN

### *CICERO AS PROCONSUL OF CILICIA*

### 51 B. C.

In this year, though not from the First of January, the consuls were both good friends, as one says, of the advocate. Marcus Marcellus, the uncompromising political foe of Caesar, had been a schoolmate of Cicero, and a certain familiarity never ceased to prevail between the two men. Servius Sulpicius Rufus, the other consul, was the man, in the domain of the Civil Law, on whom the mantle of the Scaevolas had fallen.[1] Cato had been an earnest candidate. He frankly avowed his purpose of using that great office to cut short the power of the two dynasts. For that office was still important in the hands of a thoroughly independent character. Was Caesar to be recalled and separated from his imperium before his second five-year period had been terminated by the Lex Trebonia? Cato rigidly refrained from the distribution of money and was of course not elected by the electorate. A great character cannot always be a successful man, and there are really a few standards other than this last named one, as we Americans particularly seem continually to be forgetting. Caesar afterwards professed, perhaps he believed it too, — who can say? — that Cato made Caesar personally responsible for this defeat at the polls.[2] However that may have been, of one thing we may rest assured: Cato to the dynast Caesar was indeed the most odious force and personality in the public life of that day and generation. In the first part of this year, against his own wishes of course, and indeed in a manner entirely unexpected by himself,[3] Cicero was designated to govern the province of Cilicia. No longer could consuls and praetors immediately after completing their urban service go to some

[1] Pomponius in Dig. 1, 2, 43. On his habit of surveying historical precedent, cf. *Fam. 4, 3, 1.*

[2] *Dio, 40, 58. Plut. Cat. Min. 49. Caes. B. C. 1, 1, 1.*

[3] Contra voluntatem meam et praeter opinionem, *Fam. 3, 2, 1.* hic necopinatus et inprovisus provinciae casus, *Fam. 15, 12, 2.*

province, but a period of five years now had to elapse. So it became necessary to resort to available consulars. Thus Cicero was sent to Cilicia, without Terentia of course, out of the world, at least decidedly out of his world. At Syracuse, at Ephesus or in Achaia he would have felt more comfortable. The formal mandate was presented to Cicero in a Senatus Consultum.

There were some business matters which Cicero, on departing, of course had put into the hands of Atticus (5, 1, 2). One of these concerned Caesar. Cicero owed him 800,000 sesterces ($35,200). Oppius was Caesar's man of business in such minor matters: Balbus, who was also in the senate, attended to the greater. If he were to discharge the whole debt at once, Cicero would be compelled to dun every debtor of his for every farthing due him on the pages of his ledger.[1] At this time the married life of Quintus and Pomponia was not happy, if it ever had been. Pomponia was abrupt and domineering, or, as such women folk will do for an alternative, she played the sufferer. Poor Quintus tried gentleness, nay meekness even,[2] but nothing would do. Pilia, the young wife of the elderly Atticus (since 56 B. C.), had witnessed Pomponia's deportment, and her sympathies were all on the Cicero side. (Att. 5, 11, 7.) Marcus observed all this as he travelled southward by easy stages, taking Quintus along as legate; another one of these military experts was Pomptinus, who had served at the Mulvian bridge and afterwards waged a successful campaign against the rebellious Allobroges. From the Arpinate region the new proconsul travelled down the Liris to Minturnae, reaching the Gulf of Naples about May 1st. He made a short stay at his Cumanum; the watering place season of society was on, it was a Rome *en miniature*.[3] Hortensius called on him, now an old man and of broken health. Even then Cicero urged his old rival to look out in the senate chiefly for this, that Cicero's sojourn in the province should not be extended by that body.

Cicero's worry and fidgetiness on this matter is quite remarkable. More phlegma would have been a blessing to him. To illustrate this characteristic I have made particular note of all or nearly all the passages in his correspondence in which he reverts to this same matter. Att. 5, 18, 3; 6, 2, 6; 6, 1, 11; 5, 4, 3; 5, 5, 2; 5, 6, 2; 5, 9, 2; 5, 10, 4; 5, 11, 5; 5, 14, 3; 5, 15, 1; Fam. 3, 8, 9; 3, 10, 3; 15, 9; 13, 3; 15, 12, 2; 2, 8, 3; 15, 4, 5.

[1] Ne extrema exactio nostrorum nominum expectetur.

[2] Att. 5, 1.

[3] Pusilla Roma, *Att. 5, 2, 2.*

The chief political concern in Italy was the mooted proposition to recall Caesar, and the breach between him and the consul Marcellus about the Transpadanes. (Att. 5, 2; 5, 4.) Cicero took along also the Greek grammaticus Dionysios, who was to be entrusted with the instruction of his own son and nephew.[1] From the fashionable seaside he went on to Beneventum. We do not know how Tullia was separated, or divorced, from her second husband Furius Crassipes, whom she had married in April 56 B. C. This union too, like the first, had been childless. A son of the great jurist Servius Sulpicius was one of the suitors. But Dolabella was in the foreground. These matches or proposals were really in the hands of two ladies of the aristocracy, Servilia, representing the interests of the consul's son, and Pontidia that of the reckless libertine young Dolabella, who even then at twenty or twenty-one had the reputation of being irresistible with the fair sex. He belonged to the same class of the up-to-date profligates as the younger Curio, Clodius, Antony. One may say he was, as to type, a young tree from the social and political nursery once planted by Catiline himself. Atticus then was to keep an eye on developments there. (Att. 5, 4, 1.) But Atticus intended to go to Buthrotum in the summer. What of Terentia? She seems to have been utterly eliminated in the sphere of these concerns. The rising of the Parthians made Cicero anxious to have his forces in Cilicia increased. On May 15th Cicero left Venusia, travelling southeastward. There was a slight détour in his itinerary, but an important one, for at Tarentum he was to have a political conference with Pompey himself. He arrived there on May 18th, being Pompey's guest during the three days of his stay. He was impressed with Pompey as a "superior character perfectly prepared to beat back what he feared" (Att. 5, 7), i. e. to firmly meet Caesar if he should defy the senate.[2] On May 21st he arrived at the point of embarkation, viz. Brundisium. Cicero's predecessor was — of all men — his fellow augur, Appius Claudius, oldest brother of Clodius. Cicero on leaving the capital had through epistolary amenities and courtesies endeavored to put himself *en rapport* with Appius.

[1] Att. 5, 3, 2; 5, 9, 2.

[2] To Caelius at Rome he writes from Athens on July 6 about these conferences: 'quae nec possunt scribi nec scribenda sunt,' *Fam. 2, 8, 2.* The letters of Fam. 8 are the most important records now for some insight into the preliminaries of the Civil War. Cf. my *Annals of Caesar,* 1911, chap. 15.

Particularly Cicero desired that the available forces in Cilicia should not be diminished. (Fam. 3, 3, 2.) As Atticus would be away in Epirus from the earlier summer on, Cicero had provided for his own political information by arranging with his Campanian friend and protégé, now a member of the senate, Caelius Rufus. Much of this was actually done by deputy.

In other words Caelius provided (Fam. 8, 1, 1) to have transcripts made from the official reports of publication, the Acta, published since Caesar's consular year; inclusive of a kind of minute, given out, of senatorial debate: Commentarium rerum urbanarum dedi L. Castrinio Paeto, Fam. 8, 2, 2. Also: quam quisque sententiam (i. e. in senate) dixerit, in commentariis est rerum urbanarum, Fam. 8, 11, 4. Again: in actis non erat, Fam. 2, 15, 2.

Caelius was anxious in turn to learn about Pompey, for "he had a way of entertaining one thing in his mind, and saying something else, and at the same time he lacked the strength of mind, not to allow to escape what he really craved." (Fam. 8, 1, 3.) Of Caesar there were rumors that he had been in some hard fighting in northern Gaul, with the Bellovaci,[1] i. e. Caesar's enemies at Rome whispered such rumors in people's ears, in strict confidence. Here too we have the first intimation of the Political Treatise of Cicero, i. e. the six books *de Republica* as being actually out and in the hands of the reading public, and highly esteemed by everyone. And why not? It was the first production, in finished Latin, of a subject very close to the concerns of Rome, her past, present and future.

Fam. 8, 3, "Tui πολιτικοὶ libri omnibus vigent." Caelius felt that the work would last. Cicero then impressed him as an author of a very large production. Dr. Tyrrell is in error when he includes Cicero's de Legibus under Caelius' phrase above. Appius had sent his *liber auguralis* to Cicero, prob. in 52 from Cilicia, of which augural book there is mention in de Legibus, c. 2. Cf. Fam. 3, 4, 1.

Meanwhile Appius stayed on in Cilicia, to meet Cicero as he said, really rather to carry as much emolument out of the province as possible. Cicero professes himself delighted thereby. Perhaps. Sailing across the Ionian Sea Cicero stopped at Corcyra and the Sybota Isles. (Att. 5, 9, 1.) In both places he was splendidly entertained by freedmen of Atticus. Buthrotum was near

[1] The rising under Commius and Correus, Hirtius, B. G. 8, 7 sqq.

by. He arrived at Actium on June 14th. Even then he warned the members of his staff that he would not tolerate any extortion in the province. If only the Parthians were to keep quiet. Caelius reports to him that he is a candidate for the Aedileship, and deeply annoyed that Hirrus also seeks that honor. He would like to have Cicero dedicate some literary work to himself also. (Fam 8, 3.) On June 24th our Philhellene arrived at Athens, which he had not seen in some twenty-eight years. The traces of Atticus were about him there, the same being also his stock of conversation. Even at this distance from Cilicia the incipient proconsul is scrupulous to maintain a record free from all illegal exactions, and from accepting any gratuities whatever. The Lex Julia is before his mind. (Att. 5, 10.) He had grave doubts, whether he would succeed in a task so little in harmony with his nature and temperament. Who can control the vagaries of rumor, the evil effects of angry and irresponsible gossip? Marcus and Quintus devoted much of their sojourn to conversations with philosophers. He also interceded by letter sent to Mitylene with the Roman exile (of 52) Gaius Memmius to spare some tumble-down house or other, once belonging to Epicurus, a spot revered by the sect;[1] this he did by request. The house stood in the deme *Melite*. His concern about current events on the Tiber is of course lively and persistent. He now hopes Pompey will not go to Spain. But who knows what is in his mind? Better sound his Greek confidant Theophanes. (Att. 3, 11, 3.) Cicero with his retinue and official family sailed from the Piraeus on July 6th. Pomptinus had joined the proconsul at last. One of his deeper and finer motives for earnestly opposing any extension of a single year's term was this: he knew how difficult it was to maintain his own standard of administrative integrity in all grades and numbers of the same, in all his agents and subalterns. As to Rome, he cares not for current "news," e. g. what pairs of gladiators were engaged in the games, what trials were adjourned, what burglaries happened.[2] No; what he wants to learn is the drift and trend of the greater politics, to

[1] Fam. 13, 1. The Epicurean Patron he considered a fool (*baro*). Att. 5, 11. Further data Att. 5, 19, 3.

[2] Fam. 2, 8, 1. Cf. *Emil Huebner:* de senatus populique Romani *Actis*, 1858; also *Otto Jahn* Hermes, 2, 235. *Herm. Peter*, Die geschichtl. Literatur, etc. 1897, vol. 1, 205 sqq. *Kubitschek* in Pauly-Wissowa, vol. 1, 290–295. It was the germ of the first newspaper in Europe. Cf. also *Thesaurus*, vol. 1, col. 1409, line 54.

furnish him with material for conjecture as to the future. (Fam. 2, 8, 1.) It took him more than five days to reach Delos, by the way of Keos, Gyaros and Syros; the deckless Rhodian vessels shipped much water. (Att. 5, 12.) Ephesus and the continent of Asia were reached on July 21, "five hundred and sixty days after the battle of Bovillae." We see that the relief from Clodius marked a new section in his life, and in its history. In that capital of a great province Cicero was surrounded by anxious and interested suitors for his attention. Cicero had for many years, he confessed it, on the stage of public life championed the interests of the Equestrian, i. e. the financial class. Both the Roman tax-farmers and the Greek provincials importuned him to listen to them. He hoped to satisfy both. (Att. 5, 13.) There was just then some hitch also at home in connection with Tullia's third matrimonial venture. His anxiety to settle his debt with Caesar (ib.) had perhaps a political rather than merely a civil reason: he felt that the time was approaching when he must abandon Caesar for the sake of Pompey. He did not stay longer than three days at Ephesus. (Fam. 3, 5, 5.) The next stop was at Tralles, north of the Carian Maeander, a hot and dusty journey; he arrived there on July 27th. Appius Claudius still stayed on in Cilicia. As yet Cicero knew not where he was to meet him.

At Rome meanwhile, during July, or at least before August 1st, Gaius Claudius Marcellus and L. Aemilius Paulus were chosen consuls for the next year, 50 B. C. P. Dolabella, the (proposed) third husband of Tullia had been chosen, of all men, a member of the venerable collegium of the "fifteen men for making sacrifice." (XV viri sacris faciundis.) A supplementary election for a single Tribunate became necessary, as one of the Tribunes elect had been found guilty. Cicero's younger friend Curio decided to stand for the place. At that time Curio gave out that he would support the conservatives, and was fairly overflowing (*scaturit*) with such professions. The cause of this partisan attitude, as Caelius intimates, was this, Caesar had disdained Curio, declined to purchase him in fact: the very Caesar "whose custom it is to attach to himself men of the (morally) lowest type." On July 22nd Cicero is told a session of the senate was held in the temple of Apollo outside of the walls, so that Pompey (proconsul of Spain), might attend. The optimates there wormed it out of Pompey, distinctly against his will, that he would recall the legion

which [1] he had loaned to Caesar (in 53). As to the succession to the Gallic provinces, that matter was to come up in August, after Pompey's return from Ariminum. In this session (of July 22nd) Pompey let drop the utterance, "that every one must obey the orders of the senate." This would include Caesar. Ptolemy Auletes was recently deceased. (Fam. 8, 4.)

The proconsul of Cilicia arrived at Laodicea in Phrygia, on July 31st. Phrygia then was attached to Cilicia in a single diocese. That date therefore Cicero throughout considered as the first day of his proconsular year. The orator feels ill at ease at this beginning of a new power and function. "To think, that I shall preside over a court in Laodicea, when an A. Plotius does so at Rome! with my ill-named two legions! I miss the Forum, the capital, my home, my friends. If there is an extension, I may as well die." The administration of Appius has left wounds in the province, wounds which could not be concealed. Cicero did not wish to open these wounds (*refricare*). And Appius, we may anticipate so much, became Censor on the Tiber in the very next year. From Laodicea Cicero hastened into Lycaonia and to the foot of the Taurus range, to deal with the robber chief Moeragenes. As he gained a closer vision of his diocese, he stood aghast at the ravages of his predecessor. He was no doubt true to the spirit in which, nineteen years before, he had maintained the interest of Sicily against Verres. "Ruined forever," the possessions of the provincials seemed to be to his vision, as he made his way from Laodicea to Apamea and thence to Synnada. Appius had imposed a poll tax.[2] Unpaid taxes had been sold to contractors: hence groans and lamentations of communities. Appius had been a veritable "wild beast," not a human being. Cicero began his reform by limiting the expenses of his own proconsular establishment in every proper way, accepting even less than he had a right to demand from the provincials under Caesar's Law of Provincial Administration. The famous Appius, on hearing of Cicero's arrival, had withdrawn to the uttermost opposite end of the province, viz. to Tarsus, holding assizes there. (A curious form of double administration.) (Att. 5, 16.) Cicero is (in a somewhat sanguine manner) sure, that his staff shares his own noble principles of justice and integrity. Son and nephew were away on a visit to Deiotarus of Galatia,

[1] Caes. B. G. 6, 1.

[2] ἐπικεφάλια. Cf. Tyrrell, vol. III, p. 296, Add Fam. 3, 8, 5.

who from the senate had received the recognition of his royal title. Before Cicero's mind is the splendid renown of the late Scaevola pontifex,— of the incomparable integrity with which the latter once governed the province of Asia. Cicero endeavors to heal the wounds inflicted on the province by Appius Claudius, taking for the present no official heed of the slight implied in the latter's lingering on. (Att. 5, 17.) At Rome the government hoped the Parthian would keep quiet: otherwise Cicero's slender forces could hardly, it was thought, hold a single pass. The business of the succession to Caesar might also interfere with the sending of a successor to Cicero. It was the recall of Caesar for which at this time the consul Marcellus was working hard, but had failed to secure a quorum of the senate, thus far, for this end. (Fam. 8, 5.) Caelius at Rome conceives Caesar's partisans and adherents as men without any concern for the Roman government. The matter of Caesar's recall was adjourned to Sept. 1st (Fam. 8, 9), when again there is no quorum. The anti-Caesarian tide in the curia was rising, but as yet very slowly. Everyone knows that Pompey is opposed to permitting Caesar both to hold province and army and to be elected consul at the same time, but still Pompey with his policy of reserve is not in favor of having a S. C. adopted at this time. Pompey's father-in-law, Metellus Scipio, was more frank. He spoke in the senate to the effect, that on the Kalends of March next (50 B. C.) this should be the subject for discussion and no other topic; no rider was to be coupled with this. Balbus, Caesar's representative, looked glum at this. At Tarsus, we said, Appius was tarrying on and on. A law of Sulla provided that the outgoing governor must leave his province within thirty days after his successor had entered the same. (Fam. 3, 6, 3.) Cicero wrote to Appius about these things: but with what forbearance, what courtesy! The Claudian was also detaining three cohorts which Cicero sorely needed. On August 31st with his little army Cicero left Iconium, moving in a southeasterly direction. He reached Cybistra in Cappadocia on the southern slope of Taurus, where he heard that the Parthians had crossed the Euphrates. (Att. 5, 18.) Cassius was then in Antioch with all his forces. Bibulus had not yet relieved him. Cicero hopes for the winter as his most reliable ally. At Cybistra his supplies were good, the army small, but, he hopes, loyal to their commander. Deiotarus' auxiliary forces, when they arrived, would double the number of available troops.

Soon after (Fam. 15, 7, 8) Cicero congratulated the consul elect C. Marcellus, and the latter's father, a colleague in the Augural body. Both letters have the same ending: *Me absentem diligas atque defendas.*

The lads Marcus and Quintus may go, with their tutor, from the court of Galatia to Rhodes, the great seat of schools and learning. Atticus himself, Cicero hopes, may be back by January 50 B. C. (Att. 5, 18.) On Sept. 27th Cicero sent an official dispatch to the government in Rome, a letter formally addressed to, "the Consuls, Praetors, Tribunes of the People and the Senate." Much of this missive deals with the affairs of Ariobarzanes, the very young King of Cappadocia, specially commended to Cicero's counsel and care, and now sorely beset with intriguers and schemers. (Fam. 15, 2.) From Cybistra Cicero began to ascend the Taurus and entered Cilicia proper. A second official bulletin (Fam. 15, 1) contained chiefly the following: as Bibulus has not yet reached Syria, the proconsul of Cilicia takes it upon himself to announce that the Parthians had crossed the Euphrates, led by Pacorus the crown-prince. Cicero also plainly says that he expects greater loyalty from the provincials as they would become better acquainted with the gentleness and the financial integrity of the new proconsul. A much greater army was imperatively needed to secure these frontier provinces from the Parthians. "For the auxiliary forces of the provincials (sociorum), on account of the harshness and wrongs of our rule, either are so feeble that they cannot help us much, or so estranged from us, that it does not seem feasible either to expect anything from them or trust them with anything." (ib. 5.) And so Cicero proceeds to govern by deeds corresponding to such observations. (Fam. 3, 8, 2.) He reduced the expenditure of the poorest communities, particularly the imposts levied by the travelling commissioners of Appius. Clearly Cicero was honestly striving to govern in accordance with the *Lex Julia;* his predecessor had simply put on the screws in the traditional manner. Cicero, by the bye, had prepared his proconsular Edictum (announcement of procedure), at Rome itself, before his departure. Also he had ordered that no official envoys were to go to Rome, i. e. at the charges of the poor subjects, to present eulogies there on his predecessor. The senate as a rule was quite alive to the worthlessness of such factitious testimonials. It is in this spirit too that Cicero wrote to the foolish and greedy Appius himself, who mean-

while had returned to the capital by such a route as to avoid his successor. Cicero now dealt much more frankly with the Claudian, condemning his exactions specifically. "If such gossip about me has been carried to you, it behooved you not to believe it; but if you take pleasure in such kind of talk, so that you credit others with such notions arising in your own mind, then you lug into friendship a kind of talk unbefitting a gentleman." As for his predecessor's staff, Cicero intimates that its reputation in the province was bad. "I do not consider it a fine kind of liberality,— of course I am no aristocrat by birth as you are,— to be lavish with funds which are not one's own." How the proud Claudian relished this lecture of the Arpinate, we learn somewhat later.

As this matter somewhat enlarges our view of Cicero's character and temperament we may as well append here some supplementary data. Later (in 50 B. C.) Cicero dealt with the head of the Claudian house in missives couched in even more caustic language, e. g. Fam. 3, 7. Why did not Cicero pay his respects to Appius at Iconium? Why not indeed? "Do you too think that these futilities, any blue blood of Appian lineage or the distinction of a Lentulus-birth, count more with me than the equipments furnished by personal merit?" He spurns the ancestral pride of his correspondent: "even in my younger years (§ 5) it was not your names that I ever admired: it was your ancestors: those men I deemed great, who had left you them (the names): "*viros eos qui ea vobis reliquissent, magnos arbitrabar.*" "I think I am your peer, am I not? If you want to know what true nobility is, I would advise you to read the treatise of the stoic Athenodorus, son of Sandon."

Meanwhile Cicero reached Tarsus on the Cydnus River, the most notable town of Cilicia. On October 7th he marched thence towards the Amanus mountains, stopping at Mopsueste. At Rome meanwhile very important matters had happened. (Fam. 8, 8.) On Sept. 30th at last a S. C. was actually adopted, Pompey having returned from Ariminum, which provided as follows: On March 1st, 50 B. C. and thereafter the exclusive business of the senate was to be the consular provinces (i. e. the recall of Caesar). A further S. C. warned any Tribune not to make intercession, which latter in terms was declared to be against the public interest. Furthermore an official appeal was made to these troops of Caesar who would like to leave his standards, for regular or special reasons: the senate declared itself prepared to consider such demands (i. e. for mustering out). This latter was an un-

mistakable challenge and a clear attempt to impair his military strength even before he was recalled. These last two Resolutions were of course promptly met by tribunician intercession: Caelius himself thus acted for the absent Caesar. It was also resolved on that day that a praetor was to succeed Cicero. It was in this momentous session too that the politicians actually succeeded in drawing out Pompey still more: what of it, they asked him, if he wished to be consul[1] and to hold his army? The Only one answered: "what of it, if my son shall wish to hit me with a cudgel?" The first clear intimation, so it was felt at Rome, that everything was not harmonious between the two dynasts. Caesar would have to quit Gaul, if he desired to become consul-elect. Cicero's correspondent Caelius[2] defeated Hirrus, a notorious servitor of Pompey, for the Curulian Aedileship. The proconsul of Cilicia sent his cordial felicitations. About this time the advocate felt a gentle itch for a little laurel for himself. Could he not gain some battle or at least enough of a victory to claim a triumph and parade along the Sacred Way at Rome? When he reached the western slope of the Amanus Range,[3] he heard that Cassius had driven the Parthians back from Antioch, and then Bibulus had at last taken over the province. Our man of letters in his turn had harassed the mountaineers, slain many, captured many; fortified places had been surprised and taken. In the end he had been acclaimed *imperator* by his troops; it was quite a classic neighborhood, viz. near Issus, where once Alexander had defeated Darius. You know your Clitarchus of course, my dear Caelius. Cicero had then (Nov. 27th) been besieging Pindenissus. We marvel a little that he does not name his brother Quintus in this connection.[4] At Rome people had become nervous about the advance of the Parthians. It was suggested that Pompey himself, or Caesar, must needs be sent out against them. The consuls felt aggrieved at the prospect of being passed over, or they seemed to be. (Fam. 8, 10.) At this time, as suggested before, Curio,

[1] *Fam. 8, 8, 9: consul esse.* The text of Caelius is not *consulatum petere:* he probably means: "*consul designatus esse.*"

[2] Fam. 2, 9; 2, 10; of course Cicero puns on *Hillus:* that worthy spoke with a lisp.

[3] Twice Cicero said that it constituted the watershed between Cilicia and Syria. Cf. Att. 5, 20, 3.

[4] Pomptinus is named. Att. 5, 20, 3.

who was to begin his year as Tribune on Dec. 10th, was at Rome considered a henchman of Pompey's. What he proposed was twofold: (ib. § 3) first, to subtract from Caesar's power, and then to make some addition to that of Pompey. This then was the foremost concern in public life at that time. To Curio too Cicero from his province sent a letter of congratulation, a letter written on Dec. 51 B. C., urging him to follow his deeper convictions. (Fam. 2, 7.) But what deeper convictions could a rising politician have, whose life had been one great chain [1] of reckless expenditure and dissipation, if not those convictions which centered on the purse? Cicero really in many ways is, shall we say, the incorrigible idealist in this whole field of nobler monition: he likes to preach to younger contemporaries and preach in a lofty strain. This is in no wise to his dishonor. He could not quite step out of his own self-communion, into the bald, hard world of self-seeking minor politicians, as though the others too were amenable to such ideals and such motives as swayed his own soul. It is curious. Through his vast practice as foremost patronus of his day, dealing so largely with financiers and politicians too, he must have been supremely familiar with the actual life and drift of that generation. About Dec. 17–19 Pindenissus fell; of course Atticus had never heard the name of it. Att. 5, 20 contains a summary of all events from the landing at Ephesus to the capture of this stronghold.

Comparing this with the summary to Cato, Fam. 15, 4, we observe that Cicero in minor dates relied too much on his memory alone: cf. Tyrrell III, p. 134.

Cicero intimates that Bibulus would now take steps to gain an easy Imperator's title: "to find bay leaves in a wedding cake." As a matter of fact Cicero claims that Bibulus' first military operations went very badly. His own prisoners Cicero sold into slavery. This part of the loot he caused to be carefully entered in the quaestor's account (Att. 5, 20, 5) closely obeying the provisions of the *Lex Julia*. Then the army was placed in winterquarters, with Quintus in command. The proconsul himself went west to Laodicea. In the privacy of his communion with his bosom-friend he emphasizes his clean-handedness in money-matters; he takes a positive delight in it. It is not the renown of it, very great though it is, which delights me so much,

[1] Vell. 2, 48.

as rather the thing itself, viz. good conscience, a new test of long established principles. It seems also the plotters against young Ariobarzanes of Cappadocia had endeavored to bribe Cicero and had failed. Cicero had absolutely refused even to grant them an audience.[1] What will the outcome of March 1st next be? If Caesar resists, Cicero fears he will have to stay on in Asia Minor. Son and nephew were to be conducted by King Deiotarus himself from Galatia to Laodicea, there to spend the winter under Cicero's own eyes. Here too Cicero refers to Tiro, who it seems wrote letters of his own also, not only by mere dictation, to Atticus. The latter then was still in Greece or Epirus. A new suitor for Tullia's hand appeared, Tiberius Claudius Nero, who came all the way out to Cicero to urge his suit there. Cicero liked him,[2] but it was now too late. He later married Livia, who became the ancestress of three Roman emperors. Incidentally we are permitted a glimpse into certain current relations between the capital and the provinces. T. Pinnius had loaned money to the town of Nicaea in Bithynia. Pinnius was now deceased, and Cicero, as guardian of the latter's son, asks the governor of Bithynia and Pontus to interpose his good offices to bring about the payment now due, viz. 8 million sesterces ($325,000). (Fam. 13, 61.)

At this time current anecdotes without number passed along in Rome Cicero's witty sayings. Not all were genuine: some really were derived from bores and other unwitty persons. There is a letter from Cicero as proconsul to Volumnius 'Eutrapelus' (Fam. 7, 32) whom the orator calls "the steward of his own saltmines," during his own absence. It is odd that the very author of the work, Cicero himself, referring to his own De Oratore should in the hurry of inditing the missive, make Antonius the spokesman on the topic of wit, instead of C. Julius Caesar Strabo. Volumnius says Cicero is his only rival: he despised the others.

## 50 B. C.

In the first month of this year, Cicero writes to Cato. He assumes here even the title of Imperator. (Fam. 15, 4.) Through the distinguished Stoic he could maintain an important interest within the Great Council, provided Cato was convinced of everything. In Cicero's relation there is a precise and objec-

[1] Et quod insidiatoribus eius *ἀπρόσιτον* me, non modo *ἀδωροδόκητον* praebui, regem regnumque servavi.

[2] Fam. 13, 64.

tive recital of facts and events, everything told with a certain quasi-official dignity, as though the writer would give his report the proper form to have it read out in open senate. We note the phrase "without any annoyance or expense on the part of the provincials" (10): this of course was specifically intended for the famous Stoic. Further on the real point is revealed (11 sqq.): "You have honored me in various ways in the past, particularly in connection with the Nones of December of my consular year; you supported me in the case of Milo; I on my side extolled your eminent qualities in my forensic and senatorial discourses, have done so in all the wide range of my writings, Greek and Latin, recognizing your eminence not only as maintained among our own contemporaries, but also as surpassing the Great Romans of former times. May I now take a more personal view? Will you not be good enough to support my request for a public triumph? Provided of course that you are convinced that my military achievement ranks with those for which such honors are usually allowed by the senate. I have often (14) heard you say in public debate, 'that it was not so much the military achievement that must be considered, as the character, the measures, the conduct, of commanders, in the bestowal or the withholding of honors.' Cicero then goes on to plead his merits in the Amanus campaign. Speaking soberly we cannot deny that all of this seems quite fairly and truthfully put. He refers Cato to the testimony of Cappadocia, of Cyprus (so familiar to Cato), and of king Deiotarus himself. Cicero's final appeal is to philosophy. "You and I have brought that true and ancient Love of Wisdom, which to certain men seems to be a matter of leisure and loafing, into the Forum, and into Public Affairs, and almost into the line of battle." It is Philosophy then that pleads with you for me. Cicero urged the same request with the new consuls (those of 50 B. C.), Gaius Marcellus (Fam. 15, 10) and Aemilius Paulus (Fam. 15, 13), also with Gaius Cassius Longinus, recently defender of Antioch (15, 14).

In February Caelius sends news from the Tiber. (Fam. 8, 6.) — We have become almost callous to the bewildering phenomena exhibiting the utter decay of the proper standards of matrimonial duty, but even then we are astounded to learn that the wife of Dolabella in the past autumn or beginning of winter only has left him. And still Dolabella was an important, a preferred suitor for Tullia's hand long before. Dolabella, for a short-cut to a

reputation, was preparing to have Appius indicted for malversation in Cilicia. It would not do very well, Caelius urges, for Cicero to give his formal consent to the match with his daughter at this particular time, for Pompey was interested on the side of Appius. The tribunate of Curio (of whom we know great things were expected) "is a frost," (*conglaciat*) has fallen flat. There is a veritable lethargy (*veternus*) or paralysis in the body of the government. "If the Parthians are not making things hot for you there, we here are becoming benumbed with frost." As for Curio, Caelius goes on in a manner to correct himself. He really is *warm:* "he has deserted to the people and begun to speak in behalf of Caesar." A bit of social news from the capital: The daughter of Orestilla, Catiline's widow, is betrothed to Cornificius (Fam. 8, 7, 2);[1] Paula Valeria has divorced her husband on the day he was to arrive from his province. She assigns no reason. She is going to marry Decimus Brutus. There are other data which further emphasize the decadence of that generation and furnish some exegesis to the verse of Catullus. The coolness and frankness of Cicero's correspondent is impressive. Cicero had read his Cyropaedia to pieces before,[2] but that famous exposition of a ruler's virtues he now had tried to enact and to realize in his own administration. Soon after this, pleasanter news begins to arrive from Appius, news couched in a pleasanter manner. Cicero congratulates him on the bright prospects of a triumph, and calls himself a warm friend of the Claudian. (Fam. 3, 9.) Appius is to be active in the senate to have a *supplicatio* or public thanksgiving voted in honor of the orator. Atticus with Pilia was spending the winter in Epirus. (Att. 5, 21.) A letter sent from there on September 22nd, 51 B. C. reached Cicero at Laodicea on February 3, 50 B. C. It is instructive for us to observe how the Arpinate computed his own situation in Cilicia and the Parthian danger as an element in the general juncture of affairs. The tension between Caesar's interests and the senate is great. (Att. 5, 21, 3.) This will keep Pompey at the capital. He will therefore be unable to take the field on the Euphrates in person. They will extend my administration of Cilicia. I shiver at the prospect. To Cyprus, a diocese of his general *imperium*, Cicero sent a man of extraordinary integrity to hold

[1] Tiro (tuus libertus) was important enough at this time to have Caelius write a personal letter to him.

[2] contriveram legendo. *Fam. 9, 25, 1.*

court there, to the end that, "the handful of Roman citizens engaged in business there should not say that they had been denied Roman Law." Before Cicero's administration by the bye there were some curious practices in vogue there.[1] Rich communities paid much money to be relieved from having soldiers quartered there during the winter. The Cyprians, e. g., had been so mulcted for 200 Attic talents. The grateful provincials now would honor Cicero; he however forbade all but verbal testimonials. No statues, no shrines, no monuments capped with the governor proudly standing on a four-horse chariot! These too were the principles cherished by Atticus, who had lived long among Greek provincials. On the 5th of February Cicero began to hold court at Laodicea for the western and northern provincials. On May 15th he was to sit in Cilicia. These assizes were to last through till June. He hoped to quit his province on July 30th. Pomptinus could not be induced to stay on.

There was another matter in his administration concerning Cyprus and bearing somewhat heavily on the Stoic enthusiastic Brutus himself. Cicero had from the beginning refused to appoint to subaltern posts or military commissions, men who wished to use such places merely for financial ends, e. g. to collect debts or interest. Thus a certain Scaptius (ib. 10) attempted such a combination. He was close to Brutus himself. "Appius, then father-in-law of Brutus, had given a few squadrons of cavalry to this Scaptius," as a means of putting pressure on the people of Salamis in Cyprus, to make them pay exorbitant interest. Cicero had ordered these cavalrymen to leave the island. Further he had as proconsul fixed the interest charge for loans at 12 per cent. Scaptius demanded 48 per cent by contract( *syngrapha*). To put the matter concisely, these usurers had actually secured a S. C. from Rome, making such a contract of 4 per cent. per month legal, and making it binding on governors to apply execution to such an instrument. But the Gabinian Law interfered. Cicero in the end insisted that Scaptius be content with the 12 per cent and compound interest (*anatocismus*). There is little doubt but that Brutus was the real principal in this case of provincial extortion. Brutus really wanted Cicero to collect for him, and had used his intimate relations with Atticus, to have the latter intercede with Cicero to that end. Atticus actually

[1] Which contribute material for exegesis on the *Lex Julia de Repetundis*.

took the initiative in commending Servilia's son to Cicero.[1] At this time Cappadocia under its young king was fairly exhausted by the demands of Pompey's agents, to collect interest on loans made by that dynast. (Att. 6, 1, 3.) Brutus too had claims on the king, whose guardian Cicero then was. Such were the blessings of the Roman empire. If only we had a history of it written by the provincials themselves, and by the provincials alone. How would that glamour vanish. Much of it indeed has vanished. As to the Salaminians of Cyprus, to grant the request of Brutus, would have meant the ruin of that town. During the proconsulate of Appius, Scaptius had actually besieged the town-hall of Salamis, until five of the councillors died of hunger. And these Greeks read Sophocles and Homer long before the Romans came to them. We begin to understand the great rising of 88 B. C. incited by Mithridates. Cicero declared that he would be grieved to incur the anger of Brutus (ib. § 6) but much keener would be his disappointment as to the character of Brutus. The latter very positively did not permit his philosophy to be troublesome in the concerns of his purse. It is a psychological and moral problem for the author, and I believe for his readers also, to understand why Cicero did not entirely cut in twain the nascent relations between himself and Brutus, the more so as the epistolary manner of the latter[2] was, "insulting, presumptuous and devoid even of common sense." The aristocrat in Cato's nephew was evidently somewhat stronger than the Stoic. The Arpinate was a *parvenu* in his eyes. But with all these elements of friction, there must have been elements of worth in Servilia's son which induced Cicero to condone or forget the usurious schemes. I do indeed, my dear Atticus, make the welfare of the province my first concern; it is you who urged me to heed my own reputation.[3] My six books De Republica, are a pledge of my conduct. It is the burden of every letter of yours.—Son and nephew, this winter and spring, as noted, were being educated under his own eyes. But (§ 12) they were very

[1] Quem ego omni studio *te auctore* sum complexus. *Att. 6, 1, 3.*

[2] *Att. 6, 1, 7;* ad me . . . cum rogat aliquid, contumaciter, adroganter, ἀκοινονοήτως solet scribere. It was Brutus personally who had 48 per cent in his bond. *Att. 6, 2, 7.* Cato at least, Cicero adds, will approve of my procedure.

[3] *Att. 6, 2, 8:* flens mihi meam famam commendasti. It is from Atticus too that Cicero expected that commendation of his *humane* administration, which he prized the most. Att. 6, 2, 4.

unlike. The one needed the spur; this no doubt was his own Marcus; the other, the curb. Quintus was to receive the *toga virilis* on March 17th. Their instructor Dionysius delighted Cicero with his efficiency, though the lads said he had a fearful temper, but no matter, he is a man of great learning and of spotless morality.

As to the Parthian danger, Cicero is astounded that the senate at Rome is not more stirred about it, and looks forward to June and July with much anxiety. He is expecting auxiliary forces from Deiotarus, thirty cohorts of 400 men each, armed in the Roman manner, and 2000 horse. Meanwhile it is possible that Pompey may take charge of the campaign. Pompey wrote to Cicero to this effect. In many ways Cicero (he returns to this) had determined his provincial administration by the model furnished by his old instructor in Civil Law, the Pontifex Q. Scaevola (ib. 15). As to civil jurisdiction, the orator followed the procedure of the capital,[1] otherwise granting to the provincials as much home rule as possible. Also he refused to compel the province to furnish panthers for the Aedilician games of his younger friend Caelius. On the date of the Megalensian games, April 4th, he writes as one homesick for Rome. The proconsulate could not add to his reputation: nay, by a stroke of untoward fortune, it might jeopardize all. It was, he feels, a task not worthy of his strength. (Fam. 2, 11.) As for panthers he tells Caelius that they seem to have resolved to withdraw from Cicero's diocese into Caria. At this time there was talk that Quintus designed to divorce Pomponia. Marcus was distressed when he heard it from his dearest friend. Can Quintus take such a step lightly, forgetting the interests of his own son? Is it possible that Quintus, in one of his flighty moods, can communicate first with so paltry a personage as his freedman Statius? As for young Quintus, he has a surprising variety of characteristics. I have my hands full in keeping him under control. (Att. 6, 2.) Writing between May 1st and May 7th Cicero is happy in relating to his humane friend the blessings now enjoyed by the provincials: "Not a farthing was spent[2] upon my government." He also compelled the native local magistrates to repay their peculations to the communities. In a certain sense, in a com-

[1] Dixi me de eo genere mea decreta ad edicta urbana accommodaturum, ib. 16.

[2] Att. 6, 2, 4. Boot changes IN *imperio meo* to: nullus imperio meo (dat.) sumptus factus est = in imperium meum.

mendable sense indeed, his own Caecilius Pomponianus is as it were his confessor, the personage whose approbation he cannot dispense with. For as to Cato a genuine intimacy never seems to have prevailed. The cleavage in manners, no less than *ingenium*, was too deep. At Rome, I see, Curio is preventing any radical measures of provincial succession. Good. There I too shall hope to see you soon again once more. Cicero wrote this long letter (this too is characteristic) before daylight, before the press of official business began to consume his day.[1] On the last *pagina* of a letter from Caelius, Cicero's attention was sharply arrested when he saw it was written in Caelius' own hand. A great piece of news then, but a private. What can it be? "*It is Caesar whom Curio is now defending. Well, who would have thought it?* except myself, for, on my life, I did think so" (ib. 3). Cicero was perplexed by the first public act of his third son-in-law, young Dolabella, viz. to indict Appius for high treason (*maiestas*).[2] But Appius was not merely acquitted, early in April, but soon afterwards elected Censor with Caesar's father-in-law, Calpurnius Piso. That office, in the rapid disintegration and decadence of that generation, was an anachronism, and to cap the climax, its occupation by the oldest brother of Clodius and all the Clodias, was a colossal satire on the times. The protestations of affectionate regard sent by Cicero to Appius at this time impress us in a painful way. They were dictated by self-interest of course. Appius was connected with those, like Pompey, with whom then Cicero desired to stand better than ever. Would that the advocate and man of letters had had a little more of a Catonian vein! Would that he had possessed the robust fibre to square action and deeper conviction always! Would that he had not sometimes used his fine mind and his graceful pen to varnish things over or to put a painted mask before the countenance of his own soul! (Cf. Fam. 3, 11.)

On June 22nd Cicero was again in the eastern part of his imperium, and in camp too. (Fam. 2, 19.) As the time draws nearer to return to the Tiber, the sweet sense of actual return begins to well up within him. "I do not care to compare all the material results of the province with a single short walk and with a single conversation between us."[3] As the time came nearer for quitting the province, Cicero's conscience was at ease. The

[1] Cupiebam etiam nunc plura garrire, sed lucet: urget turba. Att. 6, 2, 10.
[2] Fam. 3, 11, 1.
[3] Fam. 2, 12, 2.

only concern was whom to leave in charge. The news from Rome was disquieting. My good friends, Curio and Aemilius Paulus, have gone over to Caesar. But no matter, as long as Pompey even stands or sits, for that matter, things are sure to go well. All forces of the state, he hears, have attached themselves to Pompey's leadership. (Fam. 3, 11, 4.) As for Brutus, whom Atticus cherished so warmly, and whom Cicero tried hard to esteem, the estimation left us from Cicero's proconsular experiences is after all bad; it stays with us like a bad taste in the mouth. He was after all a Roman, i. e. a man who did not allow his humanity, such as he had, to interfere with his craving for profit, even exorbitant profit. His arrogance (in letter-writing) toward Cicero remained consistently the same. When Cicero heard from Appius that the latter had been acquitted, he kissed the letter: at least he wrote so to Appius. As for the honors (for Pindenissus, etc.) which he desired from the senate, Cato did full justice to his integrity, but refused to advocate any Thanksgiving for the military operations on the Amanus Range.[1] Apart from this, the bitter contention on the floor of the senate,[2] between Caesar's new servitor Curio and the majority of the Fathers, put off all Thanksgiving business for the current year. Outwardly, some of the aristocrats, as Metellus Scipio and Domitius, were for it, but he desired it to fail. Pompey was at one with the senate: Caesar was to leave his provinces by November 13th, 50 B. C. That was the plan. There was a hesitation, in the souls of politicians, to force a crisis. Pompey feared that Caesar might become consul-elect, before surrendering army and province. Caesar, Caelius thinks, will surely not leave Curio in the lurch. Cicero was to leave duplicate copies of his accounts in two towns of the province, as the *Lex Julia* prescribed.[3] Even then his secretary Tiro was very ill, and had to be left behind at Issus, a young man of exceptional purity of conduct and of very great industry. The marriage of Tullia and Dolabella had been solemnized at home. Pompey was enfeebled by illness. Hortensius was very near his end.[4] On July 17th Cicero was still at Tarsus. At Laodicea he was to receive security for the transportation of public moneys to Rome. He declined to make

[1] Fam. 15, 5.

[2] Under the general direction of Caesar's chief agent, Balbus. Fam. 8, 11, 2.

[3] Att. 6, 7, 3. Fam. 2, 17, 2.

[4] Fam. 8, 13.

any loan from these. At this point we learn at last of the extreme jealousy which seems to have dominated the soul of his neighbor Bibulus, proconsul of Syria, a petty soul, as we have other reasons for assuming. It is difficult to be his friend. (Fam. 2, 17.) On leaving the province, Cicero placed in charge Caldus, a quaestor, his own personal choice, though a young man; I am acting (to please myself) like Pompey and Caesar, the two most powerful men of the day.[1] The *Supplicatio* was decreed at Rome, after all. Even Cato spoke for it and attended the engrossing of the resolution. (Fam. 15, 6, 2.) How busy men will be and how fuzzy about such driblets of factitious fame!

A large number of data, too precious to be lost with this relation, may find a place here. Cicero had a dragoman (interpres), Fam. 13, 54. Under date of February 19th, 50 B. C. he approves of the betrothal of his Tullia to Dolabella, Att. 6, 1, 10. Atticus would have preferred a match within the equestrian class: vellem te in tuum veterem gregem rettulisses. Cf. "in ordinem nostrum," Att. 6, 1, 5. Again we note how the death of Clodius made a mighty date in his life: Att. 6, 1, 26, writing at Laodicea on Feb. 19th, 50 B. C., he puts it down as "765 days after the battle of Leuctra." It is at this time only that he hears from Atticus some more delicate corrections of minute points in his De Republica. Att. 6, 2, 3. Apart from the fact that the communications from Epirus seem to have been very rare, slow and uncertain, we see that Atticus has now traversed the 6 books of Cicero's political treatise with critical care. Cicero's congratulations to Appius for his acquittal of *maiestas* (Fam. 3, 12) are labored; for he must apologize at the selfsame time for having his daughter marry Dolabella, the prosecutor of Appius; expresses hope that Tullia will reform Dolabella; of Appius' performances in his censorship, cf. Fam. 8, 12. Appius himself was indicted under the Lex Scantinia, i. e. for unnatural vice. Add the scorn of Caelius: *sordes eluere vult, venas sibi omnes et viscera aperit.* Fam. 8, 14, 4. As to the burning question of the day, people at Rome hoped that either Caesar or Pompey would be sent east, to undertake the Parthian war. One of the towns where Cicero was to deposit a triplicate copy of his proconsular accounts, was Apamea. Fam. 2, 17, 4. Cf. 5, 20, 2, on the bounties of subalterns (ib. 7). The strictly legal perquisites of his year's administration amounted to 2,200,000 sesterces, viz. about $96,800. He deposited it at Ephesus with Roman bankers (Fam. 5, 20, 9), placed at Pompey's disposal, and it was all swallowed up in the civil war. Before leaving the province, Cicero realized that the Roman officials on his staff were bitterly disappointed, that Cicero insisted on paying back into the Roman treasury a balance

[1] Fam. 2, 15, 4. Att. 6, 6, 4.

left of the appropriation made for his proconsular equipment. The gentlemen groaned, but they could not make him change his resolution. (Att. 7, 1, 6.)

A financial matter that came home to him in a peculiar manner was this: Cicero suspected that Philotimus, freedman of his wife, and consequently former slave of hers, had falsified his accounts in settling the assets of Milo, a task left to Cicero. He began to distrust the steward of course, and in the course of time, as we shall see, this distrust extended even to the lady Terentia herself. Cicero not only wrote the whole item in Greek, but veiled things with extreme caution, Att. 6, 4, 3. Cf. 6, 5, 1–2.

## APPENDIX

It was in May 54 B. C. that Cicero, undoubtedly cheered and inspired by the positive success and sense of power revealed to him and within him by his *De Oratore*, began, as we saw, his six books on the State. He needed certain Greek books, free access to the entire collection of his bosom friend at Rome; on the Latin side, Varro. (Att. 4, 14.) As he went on he felt it was a large theme and a laborious one; he was at one time uncertain as to the issue. (Quint. Fr. 2, 12, 1.) After the orator the statesman was to speak, on the best state, a topic so far not treated at all in that Latinity of which he was the master. At one time, about Nov. 1st, 54 B. C., he was working on a design of nine books (Muses' number perhaps), a dialogue of nine days. His literary friend Sallustius, who had written the Empedoclea, a tougher work even than Lucretius, urged him to move time and scene into his own time, and to assume, in the fashion of Aristotle's dialogues, the leadership of the discourse in his own person. In a passage to his brother then with Caesar (Q. Fr. 3, 6, 1–2) he formulates the main theme as: *de optimo statu civitatis et de optimo cive.* The orator was indeed anxious to deal with the political problems of his own career. On the other hand, if he remained true to his final project of choosing the last year, nay the last days (in 129 B. C.), of Scipio Aemilianus, and make that eminent Roman the chief interlocutor, then he would escape the danger of contact or collision with contemporaries and the clamor of the hour. When he had completed two books [1] with Scipio as central figure, he determined to change once more the whole plan in accordance with the idea of his literary friend. He thought it possible after all to deal with the present in the present, but eventually he returned to the original plan. We have seen in our study of his correspondence, how his general spirit and political attitude grew more cautious, more timid, more yielding, during the last three years preceding his Cicilian proconsulate.

[1] The phrase *nostri augurales*, 2, 54, could not very well have been written before the autumn of 53.

With his profession as patronus engrossing him as never before, it is quite possible that he did not complete his work before the latter part of 52 B. C., perhaps even the first months of 51. It is certain that the Roman public as public was not presented with the finished work until about the period, in the spring of 51 when Cicero went to Cilicia. Then Caelius wrote from Rome as we saw (Fam. 8, 1, 4), "Your books on political theory are held a strong production by every one." (Tui politici libri omnibus vigent.) They are out, but evidently not long, and it was only during the Cicilian proconsulate that the criticisms of the scholarly and affectionate Atticus are communicated to the author, criticisms on slight matters, while the general valuation is one of strong praise. The six books are as it were six bondsmen to guarantee his own proconsulate. (Att. 6, 1, 8.) At the same time Cicero in March 50 is delighted to hear of his friend's approbation. Atticus called his attention to a slip in Greek geography. Cicero in reply (Att. 6, 2, 2) puts the blame on Dicaearchus, whom he transcribed there.

It is in my opinion a matter of minor importance to trace the influence of one or more Greek thinkers or political writers, such as Panaetius (e. g. 1, 15, 34) or Polybius (1, 34, 2, 27) or to discriminate between the suggestions or doctrinal assumptions which he owed to this or that school of Greek thought. Cicero was not dominated by the consciousness of a modern professor: such works were not meant as a Roman extension of Greek erudition or speculation. His was no eruditional concern at all. These books were essentially *parerga*, produced (with a definite joy in the composition as composition) in the fragments of time which were available amid the heavier occupations of his life. We may largely ignore the Greek element in this particular treatise, and direct our attention (as we ought) to the Ciceronian, to the Roman concerns and aspects of things political and governmental. The speculative side indeed is builded largely out of Stoicism.[1] But these are minor things. Distinctly Ciceronian and personal are these: That the statesman is greater than the philosopher (1, 3) he himself declares, unwilling to heed the trumpet signals which sound the retreat. To his prevailing mood a certain affinity is afforded by those men who have tasted the bitterness of exile. (1, 5, sqq.) Miltiades, Themistocles, Camillus, Metellus, Opimius, and Nasica, who destroyed the Gracchi, are before him, him who destroyed Catiline and the Catilinarians. In a word, the introduction permits him to speak freely and directly to his own generation; such matters are not difficult to trace, when Scipio Aemilianus utters Ciceronian sentiments and convictions. The best state (1, 51 sqq.) is that in which a free people freely prefers the rule of a true aristocracy, of the really and truly best ones of whom in any given state there are always but few, whereas wealth

[1] E. g. on the world-citizen, 1, 19; on boons, 1, 27; on primitive man, 1, 49; on Stoic ethics, 3, 33; that the universe is rational, 1, 56.

or birth does not constitute the substance of such aristocracy, although this is the current belief. He also deals with the Unity (1, 32) of the state. *Res publica* is really *Res Populi*, and this thesis of the proper leadership of the genuine (not the conventional) aristocracy is really the *Leitmotiv* of the entire discourse.

Here we observe that the time is put in 129 B. C. not long before his hero's death. Similarly the time of the De Oratore is put in 91 B. C. not long before the death of Crassus, the protagonist of those discourses. The exposition is on a very large scale, out of proportion to the ultimate measure of the completed work. The main thesis is sometimes stated in a negative manner: "which always must be maintained in the state, viz. that the most numerous shall not count the most" (*ne plurimum valeant plurimi,*): absolute democracy is positively rejected, 2, 39. The idea of the work as a whole was of course due to Plato's famous work (cf. 1, 16, 22, 29, 60), and many ideas and views are moulded by that Attic thinker. Plato's idea of ultra democracy where all social subordination is absolutely done away with, the subversal of all propriety, experience, honor and regulation, down to the emancipation of the very dogs, horses and donkeys, impressed Cicero as very felicitous. Cicero (Rep. 1, 67) translates Plato (Rep. VIII, 562 D–563 C). But there is the pride of the statesman of accomplishing Rome pitted against the mere theorizing of the Athenian; the ideal, not of some Utopia never to be realized, but of actual political organization and concrete government; in a word, actual Roman history teaches the best political lessons in definiteness (2, 52). Cicero in fact undertakes a political survey of the history of Rome: Rome in birth, growth, maturity (2, 3); the wise choice of site for Rome, valuation of purely maritime states (2, 5, 10); Romulus and his most important political creations, the auspices and the senate (§ 24); Numa, Tullus Hostilius (31), Ancus (33), L. Tarquinius, who had the finest political vision (37), Rome's constitution better than that of Carthage and Sparta (42 sq.); Tarquin the tyrant (45 sqq.); The Gerontes of Lycurgus: the Roman Senate (50), danger of Royalty: the spirit of revolution rife after the expulsion of Tarquin, and so down to the Decemvirs, whose usurpation caused a radical change in the government.

The Third Book exhibits the Academic vein in Cicero, the negative and dissolving dialectic in which Carneades was so renowned a master. We now are brought to consider features of actual states which contradict ideal postulates, factors of public life, which practically controvert, which perform the *reductio ad absurdum* for the thesis of perfection. Furius now becomes the chief disputant. There are cited vagaries of state religions as in Egypt, worship of the Apis and other animals; state-approved practice of robbery, the custom of human sacrifice, wars. Most laws are determined by advantage rather than by justice; interest as antagonistic to righteousness, no war fair without due premonition; slavery, unjust

slavery (37); interest versus conscience; the Epicurean theory of motive (390); deification of man; translation to celestial bliss of extraordinary men. The tyrant's rule a denial of the state because no res populi (44), illustrated by Phalaris, Dionysius; the Thirty Tyrants of Athens and the Decemvirs of Rome. On the other hand radical and irresponsible democracy is likewise a negation of the state, and it is the worst of the three perverted forms. Of Bk. 4 we have scattered citations. Some of the topics were these: In education of boys Cicero rejects the practice of the Greeks. The gymnasia of the latter were the fostering places of unnatural vice. In dealing with Plato's communism Cicero does not seem to have discerned that Plato designed it for his ruling class alone. The moral supervision of the Roman Censors. Cicero the champion of the *Boni*, not of the *populares*. As regards the poets (Cicero is not friendly to the reading of the Greek lyrical poets), he rejects the license of Attic (Old) comedy. The Roman Censor was a better regulator of morals, while the new comedy of Athens was an admirable presentation of actual life. Possible distinction of actors (Aeschines).

Book V. Rome even now is founded on the moral vigor and severity of the olden time. This was the explanation of Rome's strength and greatness, qualities which remind the author of a fine painting which has become blurred through age. Our time has neglected to renew the colors, but has not even conserved the thing itself, its form and, as it were, its true contours. *For what remains of the ancient morality through which he* (Ennius) *said that the Roman state stood? a morality which we see so buried in oblivion that it is not only not practiced, but not even known.* For what shall I say of the men?[1] Our time is a period of decadence. The ruler must be efficient (though he need not be preeminent as a scholar or thinker) like the steward of an estate. His aim must be the felicity of the citizens.[2] What is to sustain him in his severely difficult task? The craving for glory. Seductive eloquence (11) is as evil as electoral corruption. He was here perhaps thinking of some Tribune like Gaius Gracchus.

Book VI. In the concluding portion of this work he seems to have revealed his personal attitude in the face of the ever approaching crisis: (§ 1) "and indeed in civil dissension, when the good citizens are more important than the many. I think citizens should be weighed, not counted." But what is to be the end of it all? For the peroration then Cicero goes beyond this life and this world. This matter is adroitly introduced by a complaint of Laelius, that no statue in Rome commemorated the imperishable merit of Scipio Nasica, who caused the killing of Tiberius Gracchus: Cicero is at one with the conservative aristocracy of the commonwealth as they were in the lull between the older and the younger Gracchus. As the

[1] Mores enim ipsi perierunt *virorum penuria.*

[2] Beata civium vita. Cf. Att. 8, 11, 1.

conclusion, we may say as the conclusive part of his work Cicero chose the delineation of a Heaven, a civic heaven indeed and a haven of bliss for the faithful and efficient ruler. The vision of *Er* at the end of Plato's Republic furnished him his suggestion. Those faithful and self-sacrificing rulers then are removed from the turmoil and treachery of this earth, their souls sweetly charmed by the music of the spheres. This then is to be the blissful abode not only of noble founders of states and rulers, but also of the preservers (*conservatores*) in which class the author we know claimed a very positive place. For what we call Fame here on our little earth, is after all evanescent and circumscribed at best. We meet Stoic elements of thought here, as e. g. of the periodicity of the cosmic order; but more heavily does Cicero the Eclectic lean on Plato's Phaedo, Phaedrus and Republic, when his thoughts turn to the ultimate concerns of this little world and the bitter disappointments of sublunar struggles. There is a positively spiritual strain here, and not merely on the surface. Cicero after all had come to feel the suspirium de profundis, "All is Vanity." We feel it, he was then striving to wean his soul from the consuming ambition of his life-long attitude, at least in a certain afflatus from his Greek reading (§ 25): "Therefore," says the first Africanus to the second; "Therefore, if thou wilt lift thine eyes on high, and fix thy gaze upon this abode and eternal home,[1] thou wilt not surrender thyself to the talk of the common folk, nor place the hope of thy career in human rewards. By its own allurements must virtue herself draw you to true distinction: as to what others talk about thee, let them see to it, but still, talk they will."

The Treatise *de Legibus* was meant to be a complement to the dialogue on the state. Here too Plato was more of an incentive than a model. This work was really begun before the expiration of 52 as noted before, and in this case the suggestion of Sallust is carried out. Cicero, Atticus, Quintus, are the interlocutors. The cradle-spot of his life, below the eyrie of Arpinum, where Fibrenus mingles with the upper Liris, is chosen as the scene of the dialogue. This book is not merely fragmentary as we have it, but it was left a fragment and unfinished by the author. There are allusions to the slaying of Clodius, as a recent event, and what happened to the corpse (2, 42), what Cicero had suffered, and what was the end of one, whom he deliberately leaves unnamed. Cicero had Ennius at his elbow when he wrote on the State; here in the treatise on the laws he even goes so far as to draft his statutes in archaic language. We sometimes see English antiquarians imitating quite successfully Spenserian or even Chaucerian English. Of one thing we may be sure, viz., that Cicero considered it a successful way of reproducing the best and most

[1] This sixth book, often called *Somnium Scipionis*, is made the text of the erudite exposition by *Macrobius* in the early part of the fifth century A. D., where the old believer and Neoplatonist is revealed to us.

essential elements in the constitutional tradition of Rome. There will not be wanting those who know better, or judge of this effort of Cicero's Latinity with philological condescension. There is abundant evidence to permit, nay to compel the inference, that Cicero never published his *Laws* in his own lifetime, but that Tiro, as literary executor, gave out the work as he knew it; for he had taken it down. References to his treatise on the State are not rare: 1, 15; 20, 27; II, 23, III, 4, 12, 38. To me it seems quite probable that both the Cilician proconsulate and the outbreak of the civil war interfered with elaboration and completion. More important to us is the revelation of current concerns and reflexions. There is, e. g. as a matter of motive, the positive absence of finished historiography in actual Roman letters (1, 5) he repeats the observation made in De Oratore. Cicero had been appealed to write history, and fill this want (*postulatur a te vel flagitatur potius historia*); nay it had been peremptorily demanded of him by those near him, such as Atticus; and this too they urged not unjustly, for his strictures had been sweeping, his estimate of Roman achievement had been severe. If he had heeded such a call, he would prefer the history of his own times. He was, says he (1, 9), more fond of carrying to conclusion what he had once actually begun, than ready to resume a task once interrupted. For his later career which lay before him, he could indeed choose the occupation of a consulting jurist (*ius respondere*): but this would be an addition to his forensic labors. These he would by no means lay aside, but they would suffer, for he never dared to approach any important case without deep study demanded by its peculiar features. Whether the following *passus* was written amid the shadows which come out of the question of recalling Caesar, who can say? "But now, if it is agreeable, let us withdraw from the provinces and return to Rome." Atticus: "quite agreeable to us, but to those who are in the provinces, it is not at all agreeable." The entire first book deals with the philosophy of Law, with the Law of Nature. Here he adopts consistently the Stoic and the Anti-Epicurean view.[1] That which we call Right, Law, Obligation is not the product of social evolution and utilitarian experience, but is inborn in man's nature. For the soul of man is an effluence, a particle, of divine Reason. Law consequently in its essence is from eternity. Moral judgment is absolute and universal. The power of Conscience is independent of statutes and will subsist even when fear of the consequences is removed. It is admitted that concrete statutes often are in conflict with pure justice. The latter part of the books passes into a delineation of Stoic Ethics. Whether he here latinized Panaetius or some other Greek authority would concern us little even if it could be determined, as long as the Greek originals are lost to us. If Cicero could have rebuilt or remade political Rome, he would have done it by the outlines given in B. II, III. The former book deals

[1] Cf. I, 39, 41, 42, 53, 54, 60. — imitatrix boni voluptas, I, 47.

with the ritual and the functionaries of the state-religion, and his own augurship (ib. 11, 31) has deepened his interest in these things. Still here too he notes a decline and evanescence, compared with the times of Attus Navius. It was really a curb managed by the aristocracy. After presenting the statutes (this was after Plato's manner), he appends exegetical discourses, in which political, antiquarian and moral concerns are dominant. The curious connection and coherence of public games with the state religion, if we may call it so, is also brought forward, with its appendix or corollary of music. The impropriety of consecrating private land (45) is an echo of his troubles with Clodius. There is a long antiquarian note on *sacris alligari* (46 sqq.) with some criticism of the pontifex Scaevola, who was generally so much venerated by him. We are puzzled that he makes no mention of Varro, e. g. in 54, under *Hostia Maxima*. Funerals and the XII tables follow. In book III he dealt with the general framework of *honores* and *iura*, offices and their proper competence. He discusses, e. g. military tribunes, Aediles, Censors, Praetors, Consuls, the Dictator and his lieutenant, the proper demeanor of provincial governors, the Tribune, the Senate, the People. As in the preceding work, so in the Laws too, it cannot be denied nor misunderstood, that Cicero is in favor of a distinctly aristocratic form of government. His reform or his attempted reform of the abuse of roving commissions is especially set forth once more (9) *Rei suae ergo nequis legatus esto*. The nominations and the elections shall be free to the people, but known to the aristocracy: he is unfriendly to the secret ballot. We may partly call the sum of his political theory a system of enlightened aristocracy. He approves of it (22) that Sulla took away from the Tribunate its initiative of legislation. There is a glimpse of the circumstances (25) leading to his own exile.[1] Pompey's action of that time is treated with great, with almost tender, consideration. Cicero really did not, a true Roman here, go far away from the concrete rib-work of that ship of state which, to the Roman consciousness and to many Greeks after Polybius, was the most perfect structure within the political experience of mankind.

There are noted editions of *de Legibus* by Johannes Vahlen, 1871, 1883 and a note by his distinguished pupil Alfred Gudeman, in Berliner Philologische Wochenschrift, 1892, 929–932. The latter scholar says, that Cicero would certainly (sic), III, 40, have mentioned Pompey's *Lex de Vi et de Ambitu* (given before April 4th, 52), if he had written after that time, quite certainly such an application of the *argumentum a silentio* is somewhat risky and certainly not conclusive: As it seems to me, that Law of Pompey had nothing to do with *sententiam dicere*, in the senate, which alone is the topic in Legg. III, 40. Est quaedam ars nesciendi: We have before cited the essay of Reifferscheidt in Rh. Mus. 17. As to prooemia

[1] There is an allusion there also to Caesar's army as being then near Rome: *adiuncto terrore etiam militari.*

which are lacking here, cf. Att. 4, 6, 2; 16, 6, 4. Macrobius Saturn. 6, 4, 8 refers to a fifth book. Teuffel believes that Cicero resumed in 46 B. C. I believe that Caesar's regency quite smothered or discouraged such further concerns in Cicero's breast. Cf. also Brutus, 19 and Tuscul. 4, 1.

## CHAPTER SEVENTEEN

*LOWERING CLOUDS AND THE FIRST STAGE OF THE CIVIL WAR*

As the proconsul of Cilicia set his face westward to return to Italy by easy stages, the problem of the two dynasts and the tension between them was spreading ominously above the political horizon. Caelius the Campanian, bon-vivant and happy-go-lucky politician, was, with all this, endowed with a measure of hard political sense. His reports to his older and patronizing friend are quite blunt and very much to the point. The orator had first stopped at Rhodes, dear to him from academic remembrances. Here he heard of the death of Hortensius, which he had expected for some time, for his one-time rival had long lingered on the brink of the grave. A death long expected, and still[1] the orator felt it profoundly and was deeply stirred. It seemed to him that the outlook for the free voice was but gloomy. From Rhodes Cicero went to Ephesus, where he deposited his proconsular income, some $96,000, with Roman bankers. From the capital of Asia, with many head-winds, he sailed across the Aegean, landing at the Piraeus on October 4th.[2] To be in Athens once more was for him a renewed contact with the genetic point of all those concerns which engaged his stiller hours, and which furnished him with most of his ideals.[3] He admired and was admired. But these matters were pushed into the background by the burning question of the hour.[4] There is not, then, in Rome any hope that peace will last as long as one year.[5] Caelius writes (Fam. 8, 14): "*This is the issue, about which the men who have control of the government are going to fight, viz. because Pompey has resolved not to suffer it that Caesar shall become consul in any other way but that of surrendering army and provinces. But*

[1] Brut. 1, 4, 328, 329. [2] Att. 6, 9, 1; 7, 1, 1. Fam. 14, 5, 1.

[3] Plut. Cic. 36 Ἀθήναις ἐνδιέτριψε ἄσμενος πόθῳ τῶν πάλαι διατριβῶν. He called the Acropolis his headquarters. Att. 6, 9, 5.

[4] Summa res publica. Fam. 8, 14, 2.

[5] Me annum pacem non videre. I would suggest me *annuam* pacem non videre.

*Caesar is convinced that he cannot be safe if he leaves his army: still he offers the terms that both shall surrender their armies.*" Caelius has no illusions (3): as long as civil dissension stops short of arms, attach yourself to the more respectable side of the two, but when war has actually broken out, follow the stronger one. Let safety decide. Caelius plainly says, "that Caesar's army is not to be compared," it is vastly the better of the two. Curio, Caesar's man, had abandoned his opposition to the voting of pay for Pompey's troops, of which some were in Ariminum, and some were in Spain. Even then there was talk in the capital that Pompey entertained the idea of leaving Rome. (Att. 6, 8, 2.) Atticus had returned from his eastern tour and residence in Epirus, on Sept. 20th. There was a rumor that Caesar was to send four legions across the Alps to Placentia, at which Cicero shuddered. (Att. 7, 1, 1.)

Cicero still deeply distrusts the steward Philotimus. Let him not touch the legacy of Precius. Tell Philotimus that I shall probably need those funds to prepare my triumph. (Att. 6, 9, 2.) He mentions this accretion to his fortune to his wife also. (Fam. 15, 5, 2.) Cicero wishes to get rid of him. (Att. 7, 1, 9; 7, 3, 7.) My many law cases prevented me from making a critical examination of the fellow's accounts.

At Athens he also received a letter from his wife Terentia, a letter only twenty-one days old: fast time he thinks. (Fam. 14, 5, 1.) Cicero realizes that he will not be able to disguise his political preferences when he will arrive in Rome: civil war looming up; a civil war such as never was. (Att. 7, 1, 2.) I do recall my attachment to the two dynasts, which you, my dear Atticus, had urged so earnestly. They were then at one. Now comes the breach. Both are counting on me. Caesar perhaps is merely pretending. Both, with protestations of the highest esteem, wrote to Cicero about this time. But his soul greatly differed from that of the wary politician Caelius. Even then, before he had once more set his foot upon the soul of Italy, the issue is pretty clear to him. If war should break out, he would "rather be defeated with the one, than conquer with the other." He realizes that he himself (early in 52) had had a personal conference with Caesar at Ravenna. There he, Cicero, had pledged himself to aid in the bestowal of that privilege on Caesar, viz. that Caesar might be a candidate for the consulate in absentia. I was (he goes on) fortunately away from Rome during the anti-

Caesarean struggle of 51–50; now I am coming home right at the crisis. Atticus is to tell him by what device Cicero could preserve the good will [1] of Caesar, and help about the triumph. Caesar, always the shrewd practical politician, did not omit informing Cicero, that Cato had voted against the supplicatio (the first time?) and Cicero did become very much excited against Cato.[2] At Patrai, sailing for the Italian coast at last, the man of letters was compelled to leave behind there his amanuensis and literary secretary Tiro,[3] then ailing and unable to face the hardships of navigation. Cicero missed him sorely, recounting services innumerable: the chief one now would be Tiro's recovery: nursing and medical attendance had been provided for: Cicero urged him to spare no expense. For what had not the secretary done for him? At home, on the Forum, in the capital, in the province, in private concerns, in public matters, in his authorship. All of Cicero's friends shared his concern for Tiro. Cicero wrote to Patrai virtually from every stage in this last voyage, as from Leukas and Actium, where stormy weather caused a delay of two days. At Corcyra it was the same. On November 25th at 10 A.M. he landed at Brundisium. Terentia arrived there from the north, on the same day, meeting her husband on the Forum. Before leaving he provided a horse and mule for Tiro's use, later on. He was delighted to hear that Pilia had presented her husband, the elderly Atticus (he was 59), with a little daughter.[4] Atticus had been to see how Pompey felt about a triumph for Cicero. The latter feels sore about the impudent demand for a triumph sent home by Bibulus, who never had put a foot outside the gates of Antioch as long as the Parthians were west of the Euphrates. How can Cato vote in favor of twenty days' thanksgiving for a Bibulus, and in favor of denying me all? I shall not endure that.[5] Young Marcus' personal attendant, Cicero's freedman Chrysippus, has bolted. A fellow whom I liked to see, for he had some little reading. The scoundrel! His journey Romeward was deliberately slow. On December 7th he had reached

[1] Att. 7, 1, 7.

[2] Att. 7, 2, 7.

[3] See letters in Fam. 16, 1 sqq.

[4] Att. 7, 2, 4. With an allusion to the Stoic and Anti-Epicurean doctrine of social things. He also refers to *De Rep.*: "Sed haec opinor sunt in iis libris, quos tu laudando animos mihi addidisti."

[5] Att. 7. 2, 7,

Aeculanum (Aeclanum) on the Appian Way, fifteen miles east of Beneventum. The ideals of his sixth book (de Rep.) of the Ruler are before him, or quite near to the consciousness of both friends. Atticus, now only do we learn it, had devoured those books. But the urgent present: what do I really owe to Caesar? He has treated others, e. g. his legates Fabius and Caninius, with a lavish liberality, of which (ib. 3) Cicero knew nothing. But even if he had poured so much of his Gallic gold into my lap, still I must not be less faithful to the interests of the state, still it would now be my duty to be not any less faithful to the interests of the state, than Minerva herself, whom I left as guardian of Rome, when I went into exile. What after all is the matter at stake, in the impending storm? "*It is their own personal power that men are fighting about, at this time, at the risk of the government.*" The interests of the government (he goes on) certainly were not defended in Caesar's consular year. They were not defended, I was not defended in the year after. "Why was his proconsular power extended, and why was it extended in that way? Why was such a bitter contest made, that the Ten Tribunes should propose a bill permitting him to be a candidate for the consulate in his absence? It is this whereby he has become so strong that at the present moment but one citizen has the strength to withstand him. And I would he (Pompey) had not given him so great strength, rather than that he should resist him (Caesar) now when he is so strong." — "But my only vessel will be that, the helm of which will be held by Pompey." Still Cicero hopes to urge Pompey towards a policy of peace and towards some composition. Cicero anticipates that all the following elements will be on Caesar's side (ib. 7, 3, 5): "all who have been found guilty, all who have been disgraced, all who are worthy of being found guilty and who deserve disgrace, pretty nearly all the young men, all the ruined masses at the capital, the Tribunes of great influence, all who suffer from debt," in short Caesar possesses everything but one thing: an honorable cause. I see Caelius has decided for Caesar. The manors of Lucceius had something to do with that, to be sure. (They were near the Porta Flumentana, ib. 9.) Cicero would like to buy Hortensius' villa near Puteoli. The son and heir of Cicero was of the lightest caliber and swam with the stream of frivolous and fast living. Caesar had written to Cicero a very flattering epistle. Cicero still owed him some money. — If I come out

against Caesar, his Spaniard, Balbus, will perhaps promptly dun me. As for my new son-in-law, Dolabella, he is really assuming his best behavior. The other suitors for Tullia's hand I am afraid chiefly desired to improve their credit with the money-lenders.

On December 11th travelling northward very slowly, Cicero met his distinguished friend Pompey (Att. 7, 4, 2) and was with him two hours. The great captain, ordinarily so reserved, was quite profuse in complimentary conversation. Pompey expected war quite definitely. Caesar's alienation from him was quite palpable. Still Cicero consoled himself with the reflexion, that Pompey could not be so reckless as to risk all the boons and rewards which his career had brought him (ib. 3). We know Cicero had been in exile and we have learned abundantly that the impulsive and fame-craving Arpinate became much more cautious and prudent afterward. Pompey on the other hand was in a way pampered by fortune, and had never experienced any positive reverse in his brilliant career. Cicero's plan was to make a stop [1] at Pompey's Alban villa, and so reach the outskirts of Rome on January 3rd, his birthday. "I am astounded to see that the *Boni* are by no means all of one mind in the face of the crisis; there is much fault-finding with Pompey. We need peace. From a victory both many other evils and surely an autocrat will result." Personally I would rather grant Caesar's demands, than have civil war. Our resistance now is too late. We have fed his strength for ten years. But now? Anything for peace, I say. The phrase of *The Good* is all very well as a social or a political term. But if you apply it as an ethical term you will be soon perplexed: "*I am not acquainted with any Boni!*" (ib.) Or is the senate worthy of that designation? Or the professional financiers, always vacillating, and at this moment very devoted to Caesar? or the usurers? or the farmers? Or that class which does not object to autocratic rule, provided they can live in peace? — Cicero goes on to place in review some of the items, which should be charged up to Caesar. Such are, e. g. his own exile, the loss to the state of the Campanian domain, the adoption of a Patrician by a Plebeian, the wealth of Labienus and Mamurra,[2] and the park of Balbus

[1] Att. 7, 5, 3.

[2] Catullus, 29 (Munro). Mamurram habere quod comata Gallia habebat ante et ultima Britannia.

and his Tusculan villa. Cicero felt about the Spaniard's intrusion there probably just as the old aristocracy had felt about Cicero's coming to dwell among them. Balbus, the mere Spaniard! I suppose in the general debacle which is surely coming, I shall follow my own class, the Boni (ib. 7). Is Caesar going to be a second Cinna or Sulla? Or will he be more gentle and moderate than these autocrats? In the last days of December Cicero tarried at his Formianum (bet. Formiae and Gaeta). On Dec. 27 Cicero had a second conference with Pompey. (Att. 7, 8, 4). This was in strictest privacy and lasted some three or four hours. Pompey expected no composition or settlement. He was filled however with a very positive confidence. The emergency or contingency of Caesar's beginning a civil war he considered in a contemptuous manner: there could not be any but a simulated peace. Mark Antony,[1] Tribune since Dec. 10th had delivered a *popularis* address on the Forum (ib. 5) full of defiance of Pompey and ruthless personal invective. Such the daring of one, so Pompey reasoned, who but a short time before had been a mere quaestor, but of Caesar. What will Antony's principal and political employer do, provided he gains control of the state, if his servitor uses such a tone? Pompey was positively not fond of the contingency of peace. As for the orator, homely things troubled him: Too bad that I owe Caesar money. Such a relation is grossly disgraceful in the present state of politics. It is a notable illustration of Cicero's profound familiarity with the mechanism of the government, that amid his anticipations and speculations he actually named an alternative which soon after was realized and which introduced the great crisis (Att. 7, 9, 2): "*Or if perchance a Tribune of the people blocking the senate or rousing the people, having formally been branded by censure,*[2] *either cut short by a Resolution of the senate or suspended, or deprived of his office, or claiming to have been deprived of his office, seek refuge with him.*" Reviewing the last nine years the orator clearly sees the path of one mighty will, of one consistent policy, deriving but little consolation[3] from such rumination. It was a bitter cud.

[1] Cf. Plut. Ant. 5: ὁ δὲ εὐθὺς εἰς τὴν ἀρχὴν παρελθὼν οὐ μικρὸν ἦν ὄφελος τοῖς πολιτευομένοις ὑπὲρ Καίσαρος.

[2] *notatus* . . . w. Tyrrell's note.

[3] Att. 7, 9, 4: Equidem dies noctesque torqueor.

## 49 B. C.

From Ravenna Caesar's servitor brought to the senate of the Republic the ultimatum of that mighty man, the most adroit politician of antiquity, and not the least so in this that he understood how to put his political antagonists in a false position. Innumerable were the threads of friendship and material interests which his masterhand had spun between his proconsular imperium and Rome, threads which connected his praetorium or the proconsular palace at Ravenna with the Great Council, the Forum and the Capitol itself.[1] If Pompey went to Spain, all excuse for civil war would fall to the ground. The consul Lentulus Spinther was determined to force a crisis. Caesar was to leave his province before a definite date. On January 1st and 2nd however Antony and Quintus Cassius blocked any Senatus Consultum. On January 3rd and 4th there were no sessions. On Jan. 4th Cicero, a would-be Triumphator, arrived near Rome. (Fam. 16, 11, 2.) Remaining away from Curia and Forum, as well as from his mansion on the Palatine, he incidentally avoided also the necessity, as we say in America, of going on record. On January 6th occurred what Cicero had foreseen (among the contingencies of the future): the senate adopted the S. C. Ultimum. A case of "Fathers' (Senate's) Audacity," as Caesar wrote after Munda.[2] (B. C. 1, 5, 3.) In the night of January 7th and 8th the two Tribunes and Curio (three patriots strongly attached to their employer) fled from Rome in a hired conveyance, and disguised in slaves' attire, the Tribunes having been banished from Forum and Curia. As Cicero saw the situation, the hotspurs were to be found on both sides.[3] Caesar's ultimatum Cicero called threatening and bitter, and his entire position morally indefensible, impudent, to hold provinces and army in defiance of the senate. Caesar (some four or five years later) called that same ultimatum, "very gentle demands." (B. C. 1, 5, 5.) It was the heat and foam and dust-clouds of a tremendous crisis. Antony and Cassius, Cicero

[1] *Caes.* B. C. *1, 1.* Sin Caesarem respiciant et eius gratiam sequantur. Cf. *Plut. Caes. 30.* By the bye, when Dio, 41, 2, speaks of Caelius as Μάρκου . . . τινος Καιλίου, it is quite certain that he never read the gravely important letters of Fam. VIII.

[2] Cf. also *Caes.* B. C. *1, 2:* ante certam diem. *Plut. Caes. 30.* ἐν ἡμέρᾳ ῥητῇ. *Dio, 41, 3:* ἐντὸς ῥητῆς ἡμέρας.

[3] Fam. 16, 11, 2.

claims, have not suffered any force which compelled them to flee to Caesar, whereas the latter claims that all acts of the senate passed after the withdrawal of the Tribunes were null and void.[1] As proconsul Cicero was himself embraced in the call of the S. C. Ultimum for the defense of the government. But the Arpinate, in an official way, kept out of the imbroglio.[2] It was Pompey's evil fate that he began to fear Caesar when it was very late, in fact, too late. Even then, under the sweeping powers granted him by the senate, Pompey appropriated, or had appropriated,[3] the 2,200,000 sesterces which poor Cicero had brought away as his legal perquisites from Cilicia and deposited, as we saw, with Roman bankers at Ephesus. Cicero was personally appointed to govern Campania and its coast.[4] About Jan. 16th Pompey left Rome for Capua, followed by the consuls. Cicero calls it a "reckless and senseless measure." His forces are cooped up down there. Will Pompey leave Italy? On January 19th Cicero had heard that Labienus had abandoned Caesar's cause. Has Caesar then not even a shadow of moral principle? Why, he is a foreign invader, a kind of Hannibal. His honor, he says, is at stake. Honor? How can he talk of honor? Pompey left the city, so did Themistocles leave Athens. So did the Romans hold the capital alone, once, when the Gauls came. The country-people were strongly moved by the spectacle of Pompey's flight. The consuls were uncertain whether a stand would be attempted with the fresh levies. (Att. 7, 12, 2.) No one knows exactly what Pompey is going to do. Luceria [5] had been the general rendezvous for the senate's recruits. Atticus in Rome feared that Caesar would reveal himself a cruel tyrant, a second Phalaris. Cicero's counsels thus far had not been heeded in the least. When he looked at son and nephew, his heart was heavy. It would have been better if Caesar on entering Rome were to find senate and magistrates at their posts. Now [6] what will he do without these essential elements of a legitimate government? How ignorant is Pompey of the actual situation? Not even the sentiments of his ancestral country of Picenum did he know. The last ten years have been a series of blunders on Pompey's part. He was kept so long near Rome, instead of going to Spain (i. e. from Jan. 54 on), in order to organize the defense of the capital. Now where is that de-

[1] Att. 11, 7, 1.
[2] Nos agimus nihil cupide.
[3] Fam. 5, 20, 9.
[4] Att. 7, 11, 4.
[5] Orosius, 6, 15.
[6] Att. 7, 13, A 1.

fense? The two legions which he craftily recovered from Caesar are really our only reliable body of troops. The time for parleying has been lost. We have left port and our ship has no rudder. Shall wife and daughter remain in Rome?[1] Dolabella is there. But what will the conservatives say? Labienus arrived at Teanum from the north on January 24th. There he conferred with Pompey and the consuls. A little spirit was added for the benefit of the cause. (Fam. 14, 14, 2.) Caelius curiously had joined Cicero, or at least was near to him, at Minturnae or Cumae. Caesar offered parley. Pompey demanded[2] that Caesar draw his troops back into Cisalpine Gaul, recross the Rubicon and withdraw his garrisons from Arretium, Pisaurum, Ariminum and Ancona. In that case the conservatives would return to Rome and make a settlement through the Senate. Perhaps, so Cicero hoped, Caesar will feel some remorse for his insane course. "I for my part[3] (Jan. 25) do not cease to urge peace, which, even if unfair, is more useful than the fairest war." Cicero had learned these lessons in his youth, under Marius, Cinna and Sulla. "Cato prefers submission to civil war."[4] Cicero still felt sore toward the famous Stoic. Still Cato would attend a Senate in Rome, if terms with Caesar were to be settled there. "We (here in the south) are disgracefully unprepared both on the score of troops as well as of funds." We have left the funds in the public treasury for him to take. If Caesar begins an active campaign, we hope to be able to cut him off from Rome.[5] Then too we think Caesar fears a rising of Gaul in his rear. Pompey's legates, P. Afranius and Petreius, have six legions in Spain. Thus Cicero's mood vacillated between depression and optimism. Dolabella joined Caesar's headquarters. Labienus (as we now know) had the worst possible influence with Pompey: he declared himself as convinced[6] that Caesar's forces were enfeebled or incapacitated. Such were the sentiments and observations of January. Real estate values in Rome have been fearfully lowered through Pompey's withdrawal.[7] Too bad that Pompey let Sestius draw up the reply to Caesar. The latter attempted to draw Cicero back through Trebatius

[1] *Fam. 14, 14, 1.* Where read: *ubi* (for *ut* or *uti*) honeste vos esse possitis. Cf. *Att. 7, 14, 3.*

[2] Att. 7, 14, 1. [3] Att. 7, 14, 3. Fam. 16, 2, 2.

[4] Cato enim ipse iam servire quam pugnare mavolt.

[5] Fam. 16, 12, 4. [6] Att. 7, 16, 2. [7] Att. 7, 17, 1.

the jurist. Why did not Caesar write directly to him or use the mediation of Dolabella, or of Caelius? His *amour propre* was offended. But he replied to the lawyer that he had kept as much as possible from acts even of preparation, as long as there was hope of peace. But if war should break out he would consult his duty and the demands of his public position, after placing son and nephew in Greece. On February 2nd he was still at his Formianum, to which wife and daughter came on that very day.[1] Will Caesar reject Pompey's terms? Caesar is feverishly active. I hope he, Pompey, will go to Spain. On February 5th he has actually given up all hope of peace.[2] Will Caesar be a Pisistratus or a Phalaris? There is no sort of a levy anywhere: the recruiting officers are never sure but that Caesar may suddenly appear. Pompey is as one paralyzed: no spirit, no plan, no forces, no care. The consuls have orders to go to Rome and bring away the Special Reserve Funds.[3] I know from a letter from Dolabella, that Picenum is entirely lost to our side. Caesar has begun to plunge (ruere), to rush madly onward. Caesar's progress impressed the times as sensational. Atticus feared proscriptions, if Caesar should possess himself of Rome. It would not be good policy, but Caesar would be constrained by some of his adherents.[4] On February 9th Cicero had absolutely no idea where Pompey might then be. The mere idea that a Caesar should be pursuing a Pompey, is intolerable to Cicero (7, 23, 1). Recruiting is a complete failure. On February 10th Pompey summoned the orator to Luceria. He ordered Domitius to abandon Corfinium and hasten south. It was always too late. Caesar had always acted before Pompey's orders even reached his subcommanders.[5] On February 15th Tiro had rejoined his master, having then resumed his important services, which included the carrying of letters to Pompey himself.[6] Little doubt that by and bye Rome will be crowded with *Boni*,[7] at least with so-called *Boni*, i. e. with people of good social position and wealth. It is Pompey alone, Pompey personally, that keeps me from going to Rome too. Ah, Pompey! When we all stood in apprehension of Caesar, Pompey himself esteemed him; after Pompey himself has begun to fear him, he thinks then that all men must

[1] Att. 7, 18. [2] Att. 7, 20. [3] Aerarium Sanctius.
[4] Att. 7, 22, 1. [5] Att. 8, 12, B. [6] Att. 8, 11 B, 4.
[7] Att. 8, 1, 3. Cicero had a deep aversion to use *Boni* in the current political and material sense. His *de Rep.* illustrates that.

be foes to Caesar. By February 17th (Att. 8, 12, A) Pompey had begun to direct all of his forces to move to Brundisium. "What I feared" (so Pompey wrote from Luceria to the consuls) "has come about, viz. that Domitius has been trapped." This was at Corfinium, in the heart of Italy. All of the senatorial gentlemen found there were dismissed, unharmed, by Caesar, even Domitius. Even public funds brought by the latter were restored to him, "lest he should appear any more abstemious [1] in dealing with the lives of men than in dealing with money." The rank and file of these cohorts he incorporated with his own troops. As Caesar moved down the Adriatic flank of the peninsula he became both morally and materially stronger; Pompey by just so much weaker. In some six weeks or so Italy was sure to be Caesar's. The latter meanwhile kept up epistolary relations with Cicero, both directly and through Balbus, while his own Atticus urged him to maintain a noble consistency with his past history, utterances, writings; [2] Atticus in a way was the orator's conscience. But Pompey had been grievously sinking in the scale of Cicero's deeper valuation. Pompey should have held his ground in Rome and died there, if necessary. And besides he is subject, virtually every year, to a severe distemper: and still: "I should breathe my last for Pompey: more highly I rate no human being." Such sentiments, so contradictory of one another, are found in one and the same epistle, and dwelled together in one and the same bosom. Caesar the tyrant? Why, Socrates did not leave Athens, when it was infested with thirty tyrants! Cicero burnt the missives which Atticus sent him from Rome. A grave choice of action was now imperatively knocking at the portals of his reflexion and his will. Should he leave Italy with Pompey, or should he remain? (Att. 8, 3.) Cicero admits to his *alter ego* that the very contemplation of the impending storm had induced him all along to act with a deliberate and a designed moderation. There are prudential considerations; but on the other sides there are the postulates of honor and of principle. And if I do stay in Rome and submit to Caesar's government, what will be my position, if some time in the future Pompey will recover control in the capital? And to think, that it was the very Pompey, who made Caesar so strong,[3] for which the orator disclaims each and every responsibility.

[1] B. C. 1, 23. [2] Att. 8, 2, 2.

[3] In 59 B. C. and again in 56, 55 and 52.

But he too had helped in no small measure, after Luca, and early in 52 at Ravenna.—If I now leave Italy with Pompey, my fortunes will be more exposed to the spoliation of the conqueror than those of many others on my side. To despoil me will be a popular thing with Caesar's party. Caesar may take that view. The whole is a maze of political difficulties. Tell me, Atticus, what shall I do?—Pompey summoned Cicero to Brundisium on February 20th. (Att. 8, 11, C.) Atticus wrote to Cicero to abide with Pompey, but he was not convinced. "I know whom to flee from; but whom to follow I do not know." For the Pompey of the hour is by no means the Pompey of old. On February 21st (the Feralia) Caesar left Corfinium at noon, and Pompey, Canusium in the morning.[1] At that time however he has not abandoned all hopes for peace. He has, with the greatest possible publicity, sent a letter (we would say an open letter) to Caesar, with the greatest possible courtesy of terms and appreciative esteem. Near the end of February Cicero had determined to move northward again, nearer Rome, to visit Arpinum by February 27th, flitting from villa to villa, it may be for the last time, he adds. On February 24th the younger Balbus had passed south, and visited Cicero in passing through. His mission was to offer a province to the consul Lentulus if he would return to Rome. The elder Balbus wrote to Cicero, about the same time, saying that Caesar merely wished to live in peace, without apprehension, as a mere private person, while Pompey was to be the first citizen of the commonwealth. "I suppose you believe that, my dear Atticus." It seems incredible. Caesar is a wonder,[2] so alert is he, so swift, so exact in his measures.

I cannot act, I cannot decide. I know that a strong and definite resolution frees the soul. I can wait. But I ought to think of the ideal statesman whom I have delineated in book 5 of my treatise on the state. (Att. 8, 11, 1.) Pompey certainly has not measured up to that ideal: "he has not made the happiness of the citizens his aim." "Domination has been sought by both." A revival of Sulla's times is in the air, and those close to the dynasts are set for it. Lines of the Cassandra

[1] *Att. 8, 14, 1.* About this time Cicero was deeply vexed at the refusal of the Greek grammaticus Dionysius to return to his two pupils.

[2] *Att. 8, 9, 11:* Sed hoc τέρας horribili vigilantia, celeritate, diligentia est. Cf. Att. 8, 13, 1. Of Caesar's extra bounties to his troops, v. Att. 8, 14, 1.

(Ennius) occur to him. About this time he asked Atticus to send him the treatise of Demetrius of Magnesia "on Harmony." [1] Curious, that even for so practical a matter as the reconciliation of Caesar and Pompey, he was eager to avail himself of ideas and sentiments furnished by a Greek book. Caesar's rapid movement down the Adriatic made it entirely impossible for the orator to communicate to Pompey his regret at seeing the way to Brundisium controlled by Caesar. (Att. 8, 11, D.) "We would," he wrote, "if we had gone towards Brundisium, have been captured by Caesar not less certainly than were those whom he captured at Corfinium." Here was an indirect rebuke for the Only one. Of course, my dear Pompey, the Hotspurs will not be satisfied with my conduct. I must tell you, as I tell everyone, I prefer peace to everything. I believe peace may be accomplished by conference. So Cicero remained in Italy, while Pompey sailed [2] across the Adriatic to Epirus. "I was indeed reckless in the crisis which led to my exile; this time I would proceed with more wholesome counsels." (Att. 8, 12, 5.) Balbus wrote again, in terms of flattery and high esteem, urging Cicero to assume the rôle of peacemaker between the two foremost men, doubtless a missive suggested by Caesar himself; Caesar's avoidance of bloodshed at Corfinium you will of course entirely approve. About March 1st [3] the coming Regent sent a letter, to his two agents at Rome, viz. Balbus and Oppius, an open letter, copies of which were to be scattered throughout Italy. A copy sent to Cicero by Balbus [4] was preserved among Cicero's papers and probably (by Tiro) incorporated in the body of his correspondence published later on. The great politician was keenly alive to the moral factors of the current tasks: "*Let us try whether in this way we may recover the sympathies of all and enjoy a lasting victory, since the others could not escape the odium of cruelty, nor maintain their victory for any length of time, excepting the single Sulla, whom I am not going to imitate. Let this be the new theory of military success, that we fortify ourselves by pity and generosity.*" The cause of Pompey's estrangement Caesar charged to the same men whom he also made responsible for the civil war. Cicero was convinced, that, if Caesar would

[1] *περὶ Ὁμονοίας. Att. 8, 11.* Repeated 8, 12, 6.

[2] As Cicero was informed. Over and over again such news reached him, but it was premature.

[3] As Dr. Tyrrell computes.

[4] Att. 9, 7, 2.

respect life and property, nothing would stop his gaining control of Italy;[1] he will, "even be loved most by those who had feared him most." As for poor Cicero, while he says the very consuls are influenced by the slightest things, a feather, a leaf (Att. 8, 15, 2); *he* would certainly do his duty, which was a painful and[2] bitter quest. It is more prudent to stay, it is more honorable to cross over. Balbus and Oppius again admonished Cicero to choose the course of prudence.[3] We appreciate the delicacy of your peculiar position: you cannot well take sides against either one. The *municipia* are meeting Caesar like a divine being, and they mean it. The optimates were "tearing Cicero to pieces" with abuse for not having gone with Pompey. Caesar's "insidious clemency" is indeed a great power. Who are these optimates after all? Are not they staying behind themselves? The gentlemen of the Jury-panel too,[4] once the passionate admirers of Pompey, have a curious aversion to going down to him. Balbus writes again (Att. 9, 7, B) urging neutrality and suggesting that Caesar would gladly give Cicero a military guard, should he desire it. If I reject Caesar's advances now, it will be a more serious matter to me now than when I rejected his offers in his consular year.[5] Of course he will be much more offended now. As for Pompey, he must admit now that my forecast of things was much more correct than his own. But I do shudder at the idea of incurring the reputation of an ingrate. What do they say about me at Rome? Caesar, while hastening southward about March 7,[6] sent a brief note to Cicero which he transmitted through Furnius. The world possesses not many letters of that extraordinary man and it must be set down here in full. "When I had merely caught a glimpse of our friend Furnius, and was unable either to talk with him or listen to him with any comfort, was hurrying and on the march, having sent my legions already in advance, still I could not let the opportunity go by to write to you and send him and thank you; although I have often done this in the past, and will I suppose do it more often in the future: such are your services to me. Primarily I request you, since I trust I will speedily arrive at Rome, that I may see you there, in order that I may

[1] Att. 8, 13, 1.
[2] Officii me deliberatio cruciat cruciavitque adhuc. *Att. 8, 15, 2.*
[3] Att. 9, 7, A.
[4] Att. 8, 16 iudices de CCCLX.
[5] Att. 9, 2, A 2.
[6] As Tyrrell thinks, Att. 9, 6, A.

avail myself of your advice, your influence, your distinguished public position, your resource in everything. To return to my first point; you will forgive my haste and the brevity of my note. The rest you will learn from Furnius." Cicero was rather incredulous and even sarcastic as to Caesar's sincerity. (Att. 9, 9, 3.) He consulted with Matius, a noble character and also a sincere friend of Caesar's, about certain passages in the letter, in a visit of Matius to Cicero, on March 19th. (Att. 9, 11, 2.) We may as well append Cicero's answer to the Man of the Hour:[1] "I am not quite certain what you mean by my influence and my resource; but I suppose you mean that I am a suitable person to exert myself for peace and conciliation. If it is that which you mean, you are eminently right. I did urge peace on Pompey and the Senate, I did avoid every warlike act since the beginning of hostilities. I did hold that this war interfered with your legal rights. But at this time the public position of Pompey counts heavily with me. I owe him, oh, so much; I must not be ungrateful. Your own good faith and public considerations are involved in my existence and welfare. So is the prospect of a restoration of harmony. I was deeply touched by your clemency towards Lentulus,[2] at your capture of Corfinium. You understand my gratitude to Lentulus. I trust it will be your concern, that it may be possible for me to be grateful to Pompey too." Wife, daughter, son, nephew, all were urging him to follow Caesar's side.[3] Of course Cicero's striving for a position of neutrality was infinitely difficult. Difficult it was, not to meet Caesar, or to try to appear as avoiding him; to stay where Cicero was would lay himself open to the charge of being ready to congratulate Caesar on his successes; all were unwelcome contingencies to the orator. In his own musings and reflexions Pompey lost ever more and more. His record in the entire decade (from 59–49) was bad in Cicero's eyes, and in the present crisis he charges Pompey, in his heart, with recklessness, a craven spirit, carelessness. On March 11th (Att. 9, 6, 3) at last Cicero heard that Pompey had actually abandoned Italy and sailed out of Brundisium, but it was a false rumor. Cicero was beside himself. In such a mood, and writing in such a mood,[4] he made Pompey the original enemy of civil peace,

[1] Att. 9, 11, A. [2] The consul of 57 B. C. [3] Att. 9, 6, 4.

[4] Me adhuc haec duo fefellerunt, initio spes compositionis, *qua facta volebam uti populari vita,* sollicitudine senectutem nostram liberari.

the originator and deliberate author of civil war. He had in these almost daily epistles to his friend at Rome always this subject, always the same subject, and he had almost worn himself out. Finally, with a desperate effort, to calm and clear his mind, he deliberately, as though he were a pupil in a Rhetor's School, wrote *theses* (θέσεις, as they were called) dealing with both, nay with all sides of the gnawing problem of the hour, both in Greek and in Latin. His own copious citation of such themes to Atticus presents them in a Greek form. A few of such problems then, with which his entire being was occupied, may here be set down. "Must one remain in one's native state, if it is governed by an autocrat? While it is governed by an autocrat, must one strive in every way for the overthrow of autocratic rule, or must we be on our guard against him who accomplishes the overthrow, lest the latter be himself raised (to the same power)? Must one, even if not approving the overthrow of autocratic rule by war, still enroll oneself with the aristocrats? [1] Must one share the dangers of one's benefactors and friends in public life, even if they do not seem to be well advised about the chief issues of the day? Must he (this is Cicero himself) who has bestowed great benefactions on the state, and for this very reason has endured sufferings for which there is no remedy (ἀνήκεστα παθών) and has been made the object of envy, should he risk it as volunteer in behalf of his country, or should he at last (ποτέ) be permitted to refer the matter to himself alone and take thought for the ones nearest to himself, abandoning political struggles with the dynasts?" (Att. 9, 4, 2 in part.) Cicero is now convinced (9, 7, 1) that neither during the life of both dynasts nor "under this one" would there be any constitutional government. Atticus told him to stay in his villa near Formiae. As for Pompey, Cicero fears, that he intends after all to be a second Sulla. The cause of the conservatives is good, but it is going to be atrociously mismanaged. It is a cruel alternative. I am just a bit angry, my dear Atticus (9, 8, 7), that you do not invite me to go to your Epirote seat in your company. There are worse things than becoming a teacher of oratory. (Att. 9, 9, 1.) As for Pompey, with his control of the sea, he will probably begin by attempting to starve out Italy by keeping all grainships away

[1] It is curious that he hellenizes *Optimates* by οἱ ἄριστοι, but he did it even in 62 B. C. Cf. Att. 1, 14, 2: tum Pompeius μαλ' ἀριστοκρατικῶς locutus est.

from her ports. This is not a mere subjective fear of mine.[1] All the fleets of Egypt, the Black Sea, Phenicia, Cyprus, of the Greek communities of the Asia Minor coast, Rhodes, Lesbos, Chios, will be employed for that end. Even now Pompey is openly vaunting to his troops that he will outdo Caesar in the largesses of money. (Att. 4, 9, 2.)

Tyrrell, IV, p. 117: "A victory in the East means the personal supremacy of Pompey. We cannot agree with Cicero, who represents his flight from Italy as the result of a panic. No, it was a well considered plan, which on the whole was the only plan likely to secure for Pompey a position like that which Caesar actually attained." On reflexion Cicero himself recalled that ever since 51 Pompey had planned an Eastern base, and entering Rome quite in Sulla's manner. Att. 9, 10, 6: Hoc turpe (scil. de fuga cogitare) Gnaeus noster biennio ante cogitavit: (hence no sudden panic): ita sullaturit animus eius et proscripturit iam diu (E. G. S).

The plan of Caesar's partisans is to have consular elections held, later on, by the praetor Lepidus, a vile fellow! The augural books do not permit such procedure.[2] I may be compelled as augur to enter a peremptory denial or refusal. Of course there would be complacent tools, members of the collegium, such as Galba, Scaevola Cassius, M. Antony. I would like to confer with Trebatius before my meeting with Caesar. Money is dear, land is cheap. The distress of the times is actually robbing me of sleep, while waking is painful. (Att. 9, 10, 1.) (Pompey left Brundisium on March 17th.[3]) According to his habit Cicero sought some guidance for his own conduct from the *exempla* of his own classicism. Tarquin roused Porsena, wicked Coriolanus returned with Volsci: that was wicked. I saved Rome, as some said. Can I come back to Rome with barbarians like Getae, Armenians, Colchians? It is unthinkable. Caesar cannot live forever,[4] but Rome must endure. "The sun seems to have passed out of the world"— a good phrase of yours, my friend. Even Atticus himself in this long crisis was not absolutely consistent with himself. It was well nigh impossible.

[1] Hoc non opinione timeo. Att. 9, 9, 2.

[2] Att. 9, 9, 3; 9, 15, 2.

[3] Twice before Cicero got news of it, false news: we have set it down each time as a part of his own belief or experience. Cf. Att. 9, 13, 6. This too was incorrect.

[4] I agree fully with Tyrrell's exegesis of *Att. 9, 10, 3:* hunc primum mortalem esse, deinde etiam multis modis exstingui posse cogitabam.

While censuring Pompey more, he praised Caesar's conduct more. The current talk was that Pompey had abandoned Spain, and his thoughts were on the East, Egypt, Arabia Felix, Mesopotamia. Trebatius visited the orator. Atticus invited Cicero to accompany him to Epirus. Cicero hears with anguish that Caesar is blockading Pompey at Brundisium, and is distracted at the news. This report in due time was discredited; Cicero learns that Pompey put to sea on March 18th.—If I go east by my own unfettered determination, it is hard therein to abandon all hope of return.

Meanwhile Caesar through his chief agents in Rome shrewdly kept alive, or attempted to keep alive, in Cicero, the hope of composition. (Att. 9, 13, A.) But the orator interpreted the events: the vigor of Caesar's military movements chimed ill, he thought, with such peaceful manifestoes. (Att. 10, 14, 2.) Caesar then turned toward the capital, which he had not seen in nine years. From Capua he advised the orator that he desired a conference with him on his own way to Rome. (Att. 9, 15, 1.) He had placed one legion each at Brundisium, Tarentum and Sipontum. Will he go to Greece first or to Spain? Constitutional irregularities there will be in Rome, no doubt. A praetor (Lepidus) is to hold a consular election, is to name a dictator. Still Sulla in his day had such things done. Pompey has sailed and I am still in deep perplexity (9, 15, 3). Caesar is to be near Rome by March 31st the latest, at Beneventum on March 25th, at Capua on the 26th, at Sinuessa on the 27th. On March 26th Cicero received the following letter from Caesar: "Your anticipations regarding myself were correct; you know me well, viz. that nothing was further from me than cruelty. And while I do derive great pleasure from the thing itself, I do triumph with joy that my action is approved by you. Nor does it make any impression on me that those men, who by me were allowed to go, are said to have withdrawn in order to wage war on me once more; for I would have nothing more gladly than that *I* might be consistent with myself, and *they* with themselves. I should like to have you await me near Rome, that I might use your counsels and resources,[1] as I am wont, in everything. Let me tell you that no one is more agreeable than your Dolabella. I will owe it to him (i. e. your going to Rome.) He

[1] Cicero (Att. 9, 16, 1) notices such minutiae as this, that in the first note Caesar had written *opem*, and in the last one, *opes*.

will be unable to act otherwise: such is his finer feeling, his attitude and his loyalty to myself." Caesar intended to have a meeting of the senate at Rome on the 1st of April. Even at Formiae such a notice was posted. The orator desired to give the *toga virilis* to his son Marcus, at Arpinum, if possible. On March 27th or 28th occurred the conference with Caesar which the older man had nervously dreaded. Cicero had not seen the proconsul of Gaul since their conference at Ravenna in the latter part of the winter, pretty early in 52, three years before. The orator found the great soldier far less flexible than he had been advised. In fact Caesar was rigorously positive. (Att. 9, 18.) "He said he would be condemned by my judgment, the others would be more slack if I did not come. I said their cause was different from mine. After many words he said: Well then go to Rome and debate on peace. According to my own judgment? Shall I lay down the law to you? (said he). The position that I shall assume then, says I, will be this: the senate holds, that there shall not be any expedition into Spain, nor shall any armies be transported into Greece, and I expressed deep regrets concerning Pompey. *Then he said: I indeed do not wish such things to be said.* I thought so, said I, but my wish not to attend is due to this, that either I must discourse in the way I have said, and utter many things which I could in no wise leave unspoken if I should attend,[1] or I must not come at all. The upshot was that he as though seeking a way out suggested that I think the matter over. There was no saying nay to that. So we parted." There is an element at least of greatness in Cicero's character, and on that day it was revealed. Had Cicero been like the overwhelming majority of men then in public life; had venality and expedience determined his course, how easily and how charmingly would he have adjusted his action to the plans and will of the great Roman? But there was an inner voice in his breast and we cannot but call it a finer and truer voice, which made him decline the advances of Julius Caesar in that memorable conference. (Att. 9, 18.) "I suppose," he adds, "that he does not love me. But I loved myself, and it is a long time since that has come to pass!" viz. I followed my nobler and purer convictions, and there is deep

[1] It seems that the great jurist, Servius Sulpicius, who actually *did* attend the senate on April 1, and subsequent days, took the ground which Cicero had outlined as his own, *Fam. 4, 1, 1.* His philosophy of duty differed little from Cicero's. *Fam. 4, 2, 2.*

satisfaction in that. Of Caesar's retinue he speaks with much less patience and respect. But Caesar is a wonderful man himself. Six legions! He is so wide awake, so bold! I see no end to the trouble. Cicero almost forgot to add the concluding remarks of the dynast (ib. 3): "*If he could not avail himself of my counsels, he would avail himself of the counsels he could, and he would resort to anything*" (68). Hard upon this conference Cicero hastened to Arpinum, his ancestral spot, where in a fine sentimental way he was to give the *toga pura* to his only son Marcus. As he passed northward up the Liris, everywhere he met the signs of war. The levying of troops was going on and that for a cause which he abominated. — The more I see of Caesar's partisans (I saw them in a body at Formiae), the more my heart goes out to Pompey. We must hasten to him. I have no political motives whatever in the prospect of such action, but I cannot endure to be called an ingrate by anyone. I hope Pompey will go as far away as Egypt: he cannot meet Caesar in the field on equal terms. The time for my sailing cannot be far away. — Atticus and Sextus Peducaeus were delighted with the firmness which Cicero had maintained in his conference with Caesar. The orator could afford to speak with honest scorn of the speech at Rome of the "purchased peacemaker." Was it Curio? Cicero thinks of that famous law of Solon,[1] which dishonored him who would be neutral in times of civil dissension. By and bye I may be in Athens myself. Talk of peace in Rome? (Att. 10, 1, 3): why no; Caesar is determined at this moment to deprive Pompey of Spain and of the army which he has there. I have no hope of peace any more. It is a problem whether one should enter the council of an autocrat, if so be that he is going to deliberate about a good matter. My present course (of holding aloof from both sides) is morally reprehensible (*turpe*) and, for all that, not materially safe; Servius Sulpicius, we learn, has determined to stay in Rome and to some extent of course cooperate with Caesar. He even sent his son to Brundisium in the interests of peace. — The weather was now growing milder: the first swallows appeared.[2] Atticus called on Caesar in the latter's official residence, the Regia. This is not in itself wrong, Cicero observes. (Att. 10, 3, A, 1.) Caesar sent a letter to Cicero and in terms

[1] Ath. Politeia c. 8, fin.

[2] λαλαγεῦσα iam adest, *Att. 10, 2, 1.* April 5 or 6; acc. to the solar year however Febr. 13 or so.

excused the orator for his non-appearance in Rome, declaring that he had put the best possible construction upon it, and intimating that he dealt more generously with Cicero than with Volcatius and the jurist. From the highlands of Arpinum Cicero made his way to the Gulf of Naples, to the same villa where he had begun his treatise on the State nearly five years before. (Att. 10, 4.) The studies and essays of the last six years of his life had quickened his natural trend for analysis. Particularly his devotion to the theory of political science, buttressed as it was by the Ethics of the Stoa, had rendered more searching his vision of the present. And in this consciousness and in the communion of his own mind he condemns both dynasts. If one is to apply the morals of the Stoa to their present striving, then, "assuredly each of them is most wretched, to both of whom always the welfare and honor of their country was inferior to their personal sway and to the advantage of their own households." How much purer and more consoling the survey of his own achievements, reflexions, designs, in the domain of public life. — It is fourteen years ago (when I entered upon my consulate) that I foresaw the present storm. And in that clear conscience I propose to go on in what may remain, it cannot be much, not so much for the sake of myself and my brother, as for that of my son and nephew. — Of both of these youths he speaks with very little satisfaction, nay with a certain anguish. Quintus always had been too lax with this, his only child. (Att. 10, 6, 2.) Particularly the nephew caused him distress. Young Quintus in fact had been seeking closer affiliation with the dictator: he had conferred with Hirtius, a confidant of Caesar; he actually had a meeting with the great man himself. Cicero rebuked the youth with great severity. It seems Caesar had used him, we cannot call it anything else, as a source of information as to the political designs and sentiments of his uncle. Youth is dazzled by power: so the younger Curio fell, so the son of Hortensius. The elder Quintus was prostrate with grief. On April 13th Curio himself visited Cicero at the latter's Cumanum, after having made a public address in the great commercial city of Puteoli near by. He gave to Cicero his own view of actual public affairs. Caesar would restore the men who had been exiled under the Pompeian Law (*de Ambitu*). He would promptly gain Spain; then with his army he would seek Pompey wherever he might be. After Pompey's destruction there would be an end of the trouble.

As for the Tribune Metellus (who had endeavored to block Caesar's appropriation of the Funds) Caesar had almost, in his wrath, caused his execution. It was not through purpose or from nature that Caesar was not cruel, but because he deemed mildness acceptable to the people. So (in confidence) spoke an avowed and devoted Caesarean; we do not forget that he has purchased at a great price. Caesar's action about the treasury had made a very bad impression on the People. The dictator had been greatly annoyed thereby and had subsequently abandoned the delivery of a public address which he had proposed for himself. Curio was going to take charge of Sicily for Caesar. The latter (so Curio reported) actually *hated the senate*[1] (*as a constitutional source of governmental acts*): "*from me*," said he, "*shall everything proceed!*" After talking with Curio, Cicero no longer stood in personal dread as to what might have happened in Caesar's mind in consequence of young Quintus' summons to Rome. But what business had the youth to meet Hirtius at all? Shall I go to Rhegium by land? or shall I embark at Puteoli? It was the very thing which Cicero's friends who were close to Caesar, like Caelius, urged him not to do (Fam. 8, 16); they urged him to consider expediency, his welfare, his fortunes, his son, his son-in-law. He ought at least not to compromise himself until Caesar's Spanish campaign were decided. When young Marcus and young Quintus read this letter, they shed tears. (Att. 10, 9, 2.) Nay Caesar himself while marching to Spain, from somewhere near Massilia perhaps, wrote to Cicero a personal letter, warning him not to leave Italy.[2] "*Nobody will say that you are following the winning cause, if you do, that is true; but you would condemn my action and you could not do me a greater injury than that.*" There was talk at this time that Pompey was about to march into Gaul, or into Germany through Illyricum (Att. 10, 9, 1; 10, 6, 3); to dispute the West with Caesar. Rumors, these, which showed what some thought Pompey ought to do.—Atticus is planning to go down to the gulf of Tarentum, but no further, so as to satisfy, in a way, both parties. That may do for you, my dear Atticus, but it will not do for me: though I have no illusion whatever as to much (if any) difference of political principles. *It is a struggle for absolute*

[1] At ille impendio magis odit senatum: "A me," inquit, omnia proficiscentur. *Att. 10, 4, 9.*

[2] Att. 10, 8, B, dated April 16.

*power, that is all.* (Att. 10, 7.) It will be bad for Rome whichever of the two wins. I would like to go to Malta or to some such place. Young Quintus has returned from Rome: I believe he was greedy for a donative. I gave him a vigorous reception. I hope he committed no treachery while there. — Cicero was anxious to confer with the great jurist Servius Sulpicius (with whom he had much affinity of deeper conviction) before taking any irrevocable step. Antony too, whom Caesar had left as a kind of viceroy of the peninsula (beyond the capital itself), urged Cicero by a letter, not to leave Italy. (Att. 10, 8, A.) "My rôle herein," said Antony, "is somewhat difficult. You and I are at odds, but that is due not so much to any wrong you have done me,— there is none,— but to my enthusiasm (for Caesar's side). Think of your son-in-law and your daughter. Don't go." Tullia herself begged her father to wait for decisive news from Spain. (Att. 10, 8, 1.) But suppose Caesar does conquer Spain? Cicero looked forward to ruthless dealings with life and property at home, in that case, cancellation of obligations and the rest. — Can I then share in the debate of a senate such as we are bound to have in that contingency? Am I to be a colleague to a man like Gabinius on that floor? [1]

As for Pompey, his entire plan of war is like that of Themistocles. (Att. 10, 8, 4.) "For he holds that he who controls the sea, must needs control everything." Supposing he lands on the coast of Italy, what rôle am I to play then? Neutral I cannot be. Why did I not go with Pompey? I thought then that peace was possible. The tyrant's rule carries within itself the germs of its own dissolution or destruction: to think how quickly Caesar lost much of the glamour during his short stay in Rome, how quickly he lost his famous reputation of gentleness and of financial integrity! His autocratic reign will not endure for half a year. Cicero thought much of the exiled Themistocles. The text of Thucydides' famous valuation was familiar to him. With all the keenness of his political vision he (Them.) became an exile. The orator thought also of Scipio Aemilianus and his assassination, of Marius' flight. Why must my fortune be any better? Why not think of the vastness of all future time rather than of this little span of life? I hope to witness the fall of Caesar in

[1] His prevailing frame of mind: quid rectum sit, apparet, quid expediat, obscurum est. *Fam. 5, 19, 2.* Cicero felt within himself a deeper postulate for consistency with his previous life and with his books.

my own lifetime, however. Terentia begged him with tears to wait for the issue of the Western war. (Att. 10, 9, 2.) To Caelius, who was with Caesar, he wrote a somewhat diplomatic reply, a non-committal epistle, which, if it should pass before Caesar's eyes, could not possibly injure the status of the writer any further, if at all. (Fam. 2, 16.) Cicero expected a visit from Antony in person. The Caesarian viceroy enjoyed his new power to the full, quite in his own manner. He carried about with himself on his tours of visitation, in an open litter, the beautiful actress Cytheris, as though she ranked with Fulvia as wife No. 2. (Att. 10, 10, 4.) After her followed seven litters of female friends and male ones. Caesar's government appeared disgraceful there.—My efforts to regain the affections of young Quintus are vain, I regret to say, there is a character which now seems to be beyond our influence. (Att. 10, 11, 3.) It is the father's lack of proper influence, that has made young Quintus defiant, arrogant, truculent; his mendacity, his greed, his lack of affection for his own kin have other sources. On May 3rd Antony came to Cumae and told Trebatius he had specific orders as to Cicero; he was in fact responsible for Cicero's detention in Italy. (Att. 10, 12.) On May 8th the conference with Servius Sulpicius was at last held. The jurist was deeply convinced that the victorious dynast, whether it was to Pompey or Caesar, would be constrained by financial necessity to resort to heavy confiscation of private property. Servius was moved to tears as he spoke about these things. Cicero in fact found his friend so full of apprehension that he kept to himself his plans for slipping out to sea. Antony went away to Capua, without seeing Cicero, sending a polite note of regret; saying he feared he was not in Cicero's good graces. (Att. 10, 15, 3.) Cato has been unable to hold Sicily for Pompey and sailed from Syracuse on April 30th. So Curio wrote to the orator. (Att. 10, 16, 3.) We marvel how prompt Cicero was to condemn the conduct of Cato, without any adequate knowledge of the circumstances. Some Caesareans like the younger Hortensius paid their respects to Cicero in his seaside villa near Cumae with many protestations of admiration and esteem: but he realized without difficulty that they were really spying on him. (Att. 10, 18.) Atticus had talked with Balbus at Rome, whether there was any objection to Cicero's choosing Malta for a residence. Caesar's agent did not approve of it. Early in June (April, by the solar year) Cicero went from

Cumae to Formiae, where a vessel had been gotten ready. On the point of embarking there he wrote a farewell note to Terentia, suggesting that she reside on those villas which were further away from the soldiery, i. e. from the great highways on which troops would naturally move. (Fam. 14, 7, 2.) Arpinum was best then; she could bring the servants from the Palatine mansion there, and the cost of living was more moderate.

Cicero went beyond seas, but with no joyous or sanguine feeling. Later on when all this trying time was a memory, he referred to his act thus: "As Amphiaraos in the plays, so I set out, with my eyes wide open and with clear knowledge, to destruction lying before my feet." (Fam. 6, 6, 6.) Or again, writing nearly four years afterwards, in January 45 B. C.: "I do not think that I once abandoned country and children, being influenced by the prizes of victory, but as it seemed to me I followed a certain duty satisfactory to my sense of right and of devotion, and due (the state and my public position)." (Fam. 6, 1, 3.) Plutarch's general relation, Cic. 38, is not exact: "when Caesar had departed for Spain he (Cicero) at once (εὐθύς) sailed to Pompey." We see at once that Plutarch had not read the letters of 49 B. C. at all, a severe loss of uncommonly fine material for his psychological observation and inference, which is the best part of his biographical work.

His reception in those headquarters was cordial except in the case of one man, a man indeed who was never swayed by the many or the majority. It was Cato. The latter had a private interview with him (Plut. Cic. 38) and censured him very freely for having done the very thing about which Cicero had pondered and vexed his soul for well nigh a quarter of a year, viz. that he attached himself to Pompey there, far from Italy. He, Cato, could not well desert the political principles which he had chosen from the beginning. But the orator would have been more useful to his country and to his friends, if he stayed there, unswayed, and adjusted himself to the result, and if he had not become hostile to Caesar by any train of reasoning or necessity.[1] At bottom there was no judge or judgment in public life, of which the nobler or finer Cicero stood so much in awe, as that of Cato. A slight estrangement first, but more the great crises of the civil war had for some five months separated them widely. We know that Cicero had not stood face to face with the great Stoic since

[1] There was no witness. It is the more likely that Cicero afterward gave these data to Tiro.

the spring of 51, two years before. It must have been as very cold water dashed on his own enthusiasm and his deep fear of being taken for an ingrate by public opinion. Such monition coming from the loftiest character he knew, did indeed cause a reversal in the soul of the exile, the voluntary exile. To this was added the fact that Pompey had no great task or service for Cicero. There was another matter. We know how rarely he resorted to self-repression or to a policy of rigid reserve in matters of judgment and sentiment. Witty people do not benefit their own reputation nearly as much as they gratify a temperamental impulse. He frankly said he regretted having come, and expressed his surprise at the unreadiness which he everywhere perceived, and curbed not his caustic tongue,[1] for when the Pompeians in that camp spoke of the lateness of his arrival, he said, "What, late? I have not come late at all, for I cannot see anything made ready here." To his experience there had been little cheer since he had left Cilicia, and the then prevailing gloom of his soul was deepened in this camp. The very (psychological) necessity of relieving this strain, together with the enforced inaction due to circumstances, tempted him, perhaps even more than ordinarily, to utter witty things. These certainly at once gained wide currency and were seized upon by the public opinion of the expatriated Conservatives "That camp," so he wrote five years later,[2] "was full of care: but human beings, although they are in troublous situations, if only they are human beings, sometimes do relax the strain in their frame of mind." With his infinitely mobile and sensitive soul he needed such relief.

Caesar was entirely successful in wresting Spain from Pompey's lieutenants Afranius and Petreius in his campaign of Ilerda and the Sicoris river. The elderly Varro handed over the Baetis-country in due sequence, under stress of circumstances. Caesar however left this southern province, of which Corduba was the capital, in the hands of Q. Cassius Longinus, who was eager to extort from the provincials all he could and utterly estranged from Caesar's cause influential Roman knights even. Caesar thus rewarded him with a lucrative post for his work in the initial days of January 49, as he rewarded Antony, as he rewarded Curio, the other two in that clover leaf of servitors, an unfit and unwise appointment, which ultimately bred for the dictator the campaign of Munda. Recovering Massilia, Caesar could

[1] Macrob. Sat. 2, 3, 7. [2] 2 Phil. 39.

enter upon the crucial struggle with the entire west under his control. In Rome he as dictator held the consular election, which now at least, with competition at an end, must have been performed without the usual enormous disbursements of money. Caesar took one consulate and gave the other to old P. Servilius Isauricus. The latter had opposed the suggestion of Caesar's own father-in-law, Calpurnius Piso, to send envoys to Pompey for effecting a composition.

## 48 B. C.

On January 4th (really November 5th by the sun) Caesar with the first relay of his army [1] crossed over from Brundisium to Epirus. He was impatient for Antony to bring over the other relay. He failed ultimately to cut off his expert antagonist from Dyrrachium, the general maritime base of Pompey's supplies.[2]

The self-exiled orator at this time was chiefly exercised about the financial support of his family in Italy. (Att. 11, 1.) The steward Philotimus, so long suspected by Cicero, was not where he should be, in fact Cicero did not know where in the world he might be. One may infer that it was Terentia who maintained that steward in his place: Cicero, if acting alone, would have discharged him long before. The funds at Ephesus had been, as noted before, placed at Pompey's disposal for this war. On February 5th he again wrote to Atticus (11, 2). A considerable estate had been bequeathed to him. Dolabella was insisting that Tullia's dowry should be paid. Poor Tullia indeed. She must not want for anything. Cicero was in great apprehension that his house on the Palatine would now be confiscated by Caesar's representatives at Rome. He was almost fainting at the idea. It was possible then to send occasional letters into Italy, then Caesar's Italy. The news which Cicero in the camp at Dyrrachium received from Caelius in Italy, somewhat later on, is curious (Fam. 8, 17): that factor which made for Caesar's party in the peninsula, was fear. Fear of the return of Pompey and his adherents: fear of cruelty. Otherwise, except among the usurers, Caelius said with some of his favorite exaggeration, everyone at heart was a Pompeian. Caelius himself, always a trimmer, did not seem to have left any loyalty for Caesar, unless

[1] Bell. Civ. 3, 6. [2] B. C. 3, 41.

for display. If Pompey and his advisers in Epirus only knew [1] the weak point of the Italian composite regency! The common folk were turning from the dictator. The news also had reached Italy, how Caesar's troops had distinguished themselves by enduring cold and hunger. Still later in the spring (Fam. 9, 9) Cicero's son-in-law, Dolabella, then in Caesar's camp, wrote to Tullia's father. This is an epistle of quite uncommon historical value. It is written from Caesar's lines near Dyrrachium and it breathes that spirit of supreme confidence which the towering personality of Caesar never failed to kindle and maintain in his entourage: "You observe that Cn. Pompey is safe neither through the glory of his name or achievements nor through his vassal kings and vassal tribes, of which he was wont to make a frequent display, and you see that this too which falls to the lot of the lowest one, cannot be his fortune, viz. that he can escape with honor." Dolabella urges his father-in-law to choose the course of prudence and advantage. The end of all this, Dolabella thinks, must be, that Pompey must, "hide himself on his fleet." Why should not Cicero begin to be a friend to himself rather than to any other body at all? Cicero had abundantly satisfied his duty, the demands of personal relations, the considerations of party and of that form of government in which Cicero believed. If Pompey were defeated there on the coast and compelled to move away, Cicero should take residence in a place like Athens. We ask ourselves: did Caesar know of the sending of this letter? Did he not perhaps even suggest it? On June 13th (April 11th of solar year) Cicero wrote to Atticus (11, 3) from the camp of Pompey at Dyrrachium, chiefly about money matters. The Ephesian funds had been loaned to Pompey. "The present drift of things cannot be enduring." He does not find himself in accord with events, nor with the current policy of Pompey. No particular task was assigned to him: there was none for a man of his peculiar qualifications. His health was not good, his spirit cheerless.[2] In all the army there was but a single individual with whom Cicero found himself in complete harmony of judgment and sentiment, Toranius.[3] By July 15th (May 12th) there had not yet been any battle. It was some time after,

[1] Vos dormitis nec adhuc . . . mihi videmini intellegere, qua nos pateamus et qua simus imbecilli.

[2] *Att. 11, 4, 2.* Me conficit sollicitudo, ex qua etiam summa infirmitas corporis.

[3] Fam. 6, 21, 1.

about the time when grain began to ripen.[1] According to Plutarch (39) it was sickness which prevented Cicero from sharing in the battle of Pharsalus, a few weeks later; but how should he have shared in it? It is more accurate to say that he was left in the lines of Dyrrachium, with Varro and Cato, surely not against his own wish. Still Roman beliefs were rife then, before Pharsalus:[2] a Rhodian oarsman had prophesied that within thirty days the soil of Thessaly would be soaked with blood, a safe enough prophecy; the uncertain element was to name the vanquished in advance. A few days later Labienus arrived, a fugitive from that Thessalian field. Cicero thought then that Caesar would speedily return to Italy to make settlements of peace; Cicero was greatly encouraged to sail to Italy likewise and hoped to confirm the regent in these plans for peace: Caesar's leniency in his dealings with many distinguished Pompeians greatly encouraged Cicero's hopes.[3] Some two years after the events, when time had clarified his vision still more and extended his perspective, he wrote to his personal friend, the valetudinarian recluse Marius (in July 46) about those things and those times.[4] This friend in the early spring of 49 had visited the orator in his villa near Pompeii, when Cicero was struggling in mind and in difficult circumstances to accomplish his flight to Macedon. He went. But he deeply regretted the step in time, "not so much on account of the risk which I personally ran, as on account of many faulty things which I came upon there, in the first place forces neither extensive nor endowed with the spirit of war, then, not counting the commander-in-chief and a handful of men besides, I am speaking of the leading men, the rest, in the first place, rapacious right in the war, then in their talk so cruel, that I shuddered at the very idea of victory; men of the very first station staggering under debt; in a word, nothing good but their cause. When I had seen this, despairing of victory I first began to urge peace, of which I had always been an original advocate. Then when Pompey would have nothing to do with such views, I began to urge him to protract the war. This he sometimes approved and it did seem that he would adopt that policy, and perhaps he would have done so, if he had not, in consequence of a certain battle, begun to trust his troops (Cic. means, after Dyrrachium). From that time on the eminent man was no commander at all, with an

[1] Caes. B. C. 3, 49: iamque frumenta maturescere incipiebant.
[2] De Div. 1, 32. [3] Fam. 14, 23. [4] Fam. 7, 3.

army of recruits and soldiery scraped together from every side, he joined battle with legions of the toughest calibre. This I determined should be the end of my campaigning, and I did not think that, when we, unimpaired, had failed to be a match for Caesar, that, broken, we would defeat him. I withdrew from that war, in which either I had to fall in battle, or get into some ambuscade, or fall into the hands of the victor, or flee to Juba, or choose some spot for exile, or take my own life." Because Cicero was a consular, Cato, with his rigid consistency, called upon Cicero to undertake the general command of the troops and the field at Dyrrachium. Afterwards Cato crossed to Corcyra.[1] Cn. Pompey the younger (he perished after Munda, March 45) wanted to wreak his anger on Cicero, for what? Because Cicero had not been at Pharsalus. Even then the dynastic pretensions of the Pompeian family had come to be a very palpable force in public life. Cato mitigated the fury of the young man, who, by the bye, was married to a daughter of Appius Claudius. Cicero refused (as we saw in his reminiscent summary) to go any further in active participation in *this* civil war, in *any* civil war in fact.

[1] Plut. Cat. Min. 55.

## CHAPTER EIGHTEEN

### *CICERO A SUBJECT OF THE REGENT*

Cicero arrived in Brundisium early in November by the calendar, about September 2nd by the solar year. He expected to meet Caesar there. But the latter then was at Alexandria, and the Pompeians had gone to Africa to consolidate their forces with those of Juba, king of Numidia. Cicero did not desire Terentia to come down[1] there: "I do not see what you could avail, if you came." Atticus at first was quite astonished and puzzled at the suddenness of this step of his distinguished and unfortunate friend. Atticus in fact felt it as a disabling blow, which for the time being disconcerted the plans which Atticus had made to protect Cicero's interests. For Atticus had suggested that Cicero make his way north in a kind of incognito, passing through the towns by night. Caesar's old servitor Vatinius was now governor of Brundisium.—There was a breach with his brother Quintus, now very deep, probably begun by the younger Quintus, now a declared Caesarean. Both were to go east to make their peace with the victor. Quintus and his son went separately. Some one saw young Quintus at Samos and his father at Sikyon.[2] Atticus soon began to see that Cicero's procedure was correct. (Att. 11, 6, 1.) The latter, albeit then not assured of his civil rights, or even of his personal security, was glad to be away from the Pompeian arms and armaments, from the design to starve out Italy, all of which, together with the alliances with the Eastern potentates, were keenly distasteful to Cicero. He had in Epirus noticed plans for proscribing Caesar's partisans, which were to exceed those of Sulla. The victims were to be destroyed by entire classes (*generatim*). There was to be confiscation of the property of the wealthy men who had not followed Pompey to the East. At this time, in the waning year of Pharsalus, he expected to be summoned.[3] By whom? Surely by Caesar, or Caesar's representatives, like

[1] Fam. 14, 12.

[2] Att. 11, 7, 7.

[3] Att. 11, 6, 2. In oppido aliquo mallem resedisse, *quoad arcesserer.*

Balbus. Curiously the homeless man still clung to the fond notion that he was an imperator, still looking forward to some triumph. Balbus and Oppius, so Cicero understood, were guaranteeing Caesar's protection and goodwill. By November 27th (Sept. 21) Cicero had heard of the catastrophe of Pompey by the sands of Egypt. "About the end of Pompey's career I never entertained any doubt. For all kings and nations had so definitely abandoned all hope as to his affairs, that no matter what point he came to, this I thought would happen. I cannot but grieve for his catastrophe, for I came to know him to be a man of integrity, of continence, and well poised." Atticus is to make inquiries of Diochares, a freedman of Caesar, who brought letters from the latter from Alexandria to Rome. Soon Cicero began to realize that his civic position was much more precarious than he had somewhat optimistically assumed on landing in Italy. Antony sent to Cicero a copy of a letter from Caesar in which the latter ordained the following: only those recent followers of Pompey (Att. 11, 7, 2) were to be permitted to reside in Italy whose case Caesar in person had first investigated. Antony very courteously added his personal regret at being compelled to make this communication. But Caesar had told Dolabella to write to his father-in-law to go to Italy as promptly as possible. It was on the strength of this missive that he had returned to Italy. Thereupon Antony posted a public decree, by which Cicero and Laelius were excepted from that stern ruling. This again placed the helpless man in a light odious to the out-and-out Pompeians. "Have I indeed utterly lost the esteem of the Conservatives?" (ib. 3). He was bitterly censured as a renegade for not having gone to Africa with Cato and the others. Sulpicius the jurist after the catastrophe of Pharsalus had taken residence at Samos. Oppius and Balbus in their correspondence with Caesar are to exert themselves in Cicero's behalf. Relations between Tullia and her third husband had become strained. Of those in the East Fufius Calenus was a bitter adversary of Cicero and enjoyed Caesar's confidence. (Att. 11, 8, 2.) The movements of brother and nephew are now becoming more clear: Quintus is sending his son in advance "not only to secure the dictator's pardon for himself, but also as an accuser of myself." Balbus ought to send a special messenger to Caesar (then in Egypt) about this matter.

## 47 B. C.

In January of this year and for many ensuing months Cicero, the recluse of Brundisium, was greatly depressed. His present troubles however he charged upon himself and his faulty judgment. He began to fathom the treacherous alienation of Quintus from himself (Att. 11, 9, 2), for the latter uttered taunts against Marcus in letters to comparative strangers, whereas the younger brother had owed his Gallic legateship and the lucrative termination thereof to Caesar's regard for Marcus Cicero the older and the important one of the two brothers. All this was a crushing experience to the sensitive and affectionate heart of Marcus Cicero, for whom, as for all of us, the lengthening shadows of life, even in themselves, deepened the irresistibly growing sense of solitude. There were no troops of friends left. The visage of the world was bleak and dreary to him. "I write this on my birthday (Jan. 3rd). Would that I had not [1] been destined to be reared on it, or that no further child had been born of the same mother. Tears prevent me from writing more." Someone, a member of the financial class, had met young Quintus in Ephesus. (Att. 11, 10, 1.) The youth had shown him a goodly scroll of MSS., a bulky written memorandum directed against his uncle Marcus, which the nephew intended to read before Caesar as soon as he got the opportunity. The news of the Pompeian preparations in Africa were serious; the forces there were reported to be strong and well organized. Southern Spain had turned against the victor of the Ilerda campaign. Many legions in Italy had become very lukewarm in their allegiance. In March the news from Africa was still more positive [2] in reporting formidable strength of the Pompeian cause. Atticus looked after the orator's financial needs. It seems Cicero could draw funds in Brundisium against deposits made for him at Rome. Cicero's profession on the Forum had ceased since the spring of 51, when he went to Cilicia. The Cilician income was swept away by Pompey's defeat. What shall I say to Caesar when I see him again, viz. to explain my departure from Italy to join Pompey? Precisely that which has been the burden of my letters to him, viz. that I could not endure the talk of the public.[3] However

[1] Quo utinam susceptus non essem, aut nequid ex eadem matre postea natum esset!

[2] Att. 11, 12, 1.

[3] Att. 11, 12, 1.

I must maintain the responsibility of that act as resting on myself alone. About this time Cicero wrote a few lines to Caesar directly, which he transcribed for Atticus. "As to my brother Quintus I am not less troubled than I am about myself, but to recommend him to you in the present circumstances of my present affairs, I dare not. Still I shall be bold enough to seek this at your hands, and I do entreat you not to believe that he has accomplished anything tending to make less well-established my obligations to you or diminish my affection for you, and (to believe) that he always was an advocate of our coalition, and a companion of my voyage (out of Italy), not a leader. Therefore in the other matters will you grant him as much as your finer feeling (humanitas) and the friendship prevailing between you two demand. My urgent and repeated request is, that I prove no hindrance with you to his interests." There is an element of personal resignation and noble generosity in this note, however diplomatic its form. Cicero in a way was in Caesar's power. But in a higher sense he was still maintaining the autonomy of his soul. Cicero by the bye in his civic capacity at this time exercised the rights of a citizen, e. g. he formally in the court [1] of the Praetor urbanus accepted an estate bequeathed to him, probably by a written instrument sent to Rome.

In April Marcus received a letter from his brother directly, but couched in even coarser and more violent language than were his remarks reported by others. Marcus was great enough to take a psychological view, mainly, of Quintus' case. The latter was clearly convinced that Marcus was definitely and permanently prostrate in his worldly career and that it was time to abandon the sinking ship. At this time Cicero was interested in repurchasing a farm situated near Frusino. It was difficult for him to forget the absolute loss of his Cilician emoluments.

The longer Caesar remained in the East, the more precarious his interests began to look in the West. (Att. 11, 14.) All the men who had obtained Caesar's pardon, and to whom there had been assigned a temporary residence in Greece,[2] and likewise men in the province of Asia who had failed of a pardon as yet, sailed away to Africa to join Scipio, Cato and Labienus. Cicero

[1] Galeonis hereditatem crevi. — A little later he became coheir of the estate of Fufidius, a Roman knight, which turned out well. *Att. 11, 12, 4; 13, 3; 14, 3.*

[2] Achaici deprecatores, *Att. 11, 15, 2.* Ii ipsi, qui sua voluntate ad Fufrum venerunt.

himself begins to fear much from that quarter. Furthermore he is almost ashamed to appear in public, for the scandalous conduct of his son-in-law Dolabella was then filling the ears of Italy. Pansa and Hirtius, devoted Caesareans, maintained friendly relations with the recluse of Brundisium. It was known in May (March 47) that the dictator was still in Alexandria. But why he tarried there, on this topic there were many surmises and conjectures. Curiously enough even Cicero, however distant he was from the dynastic palace of the Ptolemies, made shrewd inferences: "For he seems to hold Alexandria in such a way as to be ashamed to write about matters there." (Att. 11, 15, 1.) A landing of the Pompeians from Africa is quite possible. My position is very difficult. I cannot return to the Pompeians, the Caesarian prospects are gloomy for me, or indefinite. My mistake (of returning to Italy after Pharsalus) is irremediable. The profligacy of Dolabella at Rome it seems is greatly enhanced through his association with the younger Aesopus (son of the great actor) whose crazy profusion [1] was the talk of the town. By June 3rd (March 22) Caesar's interests looked worse and worse (Att. 11, 16): in Illyricum, Southern Spain, at the capital, in Italy. It may be all over before his return from the East. "The long delay in Alexandria has helped the cause of the exiles on the East, but utterly ruined my own." At last some lines bearing on Cicero's case were received by Balbus and Oppius in Rome. These had shown them to Atticus (11, 16, 2); clearly these lines were kindly and conciliatory in so far as they dealt with Cicero. Terentia is to make provision to pay her debts. The bond of their conjugal relations had been wearing away until it was but a slender thread. Cicero had distrusted her steward Philotimus so long that this feeling began to take her in also. Philotimus had uttered things concerning her financial doings which were outrageously bad, if they were true. On June 12th (March 31st) Tullia arrived at Brundisium. Her relations to her husband Dolabella were near the point of dissolution. (Att. 11, 17, 1.) Under these circumstances these visits did not console him nor cheer him up, but deepened his grief. The match was made when the father was in Cilicia, and we know that his preference was for another, still he took the blame upon himself. Tullia was soon to return to her mother. He had been thinking of sending his son Marcus, attended by his literary friend

[1] Hor. Sat. 2, 3, 239 with Porphyrio's note. *Metella* also in Att. 11, 23, 3.

Sallust (not the later historian), eastward to meet Caesar [1] (Att. 11. 18, 1), but abandoned the project. Sallust did not go. His own stay at Brundisium was becoming almost intolerable to himself. Nothing whatever was then known where Cicero was, of Caesar's design to leave Alexandria and strike at Pharnaces. Tullia, in spite of the incredible scandals of her husband's conduct, was still enamored of him.[2] The father now bitterly reproached himself for having paid the second installment of Tullia's dower to the young rake. Perhaps Atticus could save some of the furniture and silver-plate to bar dire poverty.[3] Dolabella, after Pharsalus, had returned to Rome, had himself by some Plebeian Lentulus adopted as a Plebeian, and as Tribune pursued the paths of Catiline and Clodius in furthering socialistic measures, outdoing them both in the multiplicity of his adulterous intrigues. It was time to close with him and send him the formal notification of divorce. The last third of Tullia's dower was not yet paid. The mob of Rome and the multitudes of insolvent debtors were enthusiastic for Dolabella at this time. Philotimus the steward was returning from the East with a letter for Cicero from Caesar.[4] The latter at the bottom of his heart feared that Terentia's property might be confiscated. He feared a general catastrophe.[5] Could not her assets be committed to some person like Atticus, whose personal position was beyond the vicissitudes of a political crisis? On August 12th (May 31) he writes to Terentia. (Fam. 14, 23.) He reports that the letter from Caesar has at last come to hand; that it was a generous missive, and that the general would soon be back in Italy, or, as it was rumored, Caesar would sail from Patrai directly to Sicily (thence to begin his operations against the Pompeians in Africa).

It is only in a letter of August 25th (June 13) that Pharnaces is for the first time mentioned by Cicero. (Att. 11, 21, 2.) "It does not seem that he will be at Athens by the first of September. Many affairs are said to delay him in Asia, especially Pharnaces." To Cassius in that season, before Caesar's return: "For who would have thought that so great a delay, viz. the Alexandrine war, would be linked on to this war, or that Pharnaces, whoever he may be, would cause a panic in Asia (aut nescio-

[1] Cf. Fam. 14, 15.

[2] Huius miserrimae fatuitate confectus conflictor. Att. 11, 25, 3.

[3] Ad inopiam propulsandam. Att. 11, 23, 3.

[4] Att. 11, 39, 2.

[5] Ut extra ruinam sint eam, quae impendat. *Att. 11, 24, 2.*

quem istum Pharnacem Asiae terrorem illaturum) (Fam. 15, 15, 2), and so Tiro-Plutarch, 39: "there he tarried awaiting Caesar, who was delaying on account of the concern in Asia, and in connection with Egypt."

The mutinous spirit in Caesar's Italian legions was increasing. The XII legion, which P. Sulla reached first, drove him off with stones. The general belief was that none of these legions would stir from the spot. It must have been somewhere in September (early in July by the sun) that Caesar surprised the political world of Italy, and particularly the wretched recluse of Brundisium, when the news came that he had landed at Tarentum. (Plut. 39.) Cicero went out to meet him, prepared in a measure by the letter which Philotimus had brought from the East, but still many eyes looked on when these distinguished men met on the highway. Caesar, with that kindly tact that distinguished him, took particular pains to spare Cicero any possible form of humiliation and disgrace; he was indeed a wonderful politician, but his soul was essentially large and generous. As soon as he espied Cicero, who was well in advance of the others who had gone forth to meet Caesar, the latter dismounted and greeted him with cordiality and conversed with him alone for many stadia. On October 1st (of the civil year), Cicero, en route for home once more, wrote a note to his wife from Venusia in Apulia (a very short one, as all of his missives to Terentia then were), apprising her of his coming: saying that he hoped to be at his Tusculan villa by October 7th (about July 23rd) and telling her of a device for the bath there. There was nothing in their meeting we fear which could have engaged the pencil of a romantic writer. Atticus of all his world was now once more near to him. Toward the end of this year Cicero wrote to Gaius Trebonius, the governor for Caesar in southern Spain, and by a somewhat sudden commission made the successor of the wretched Q. Cassius Longinus, who caused the defection of Corduba.

This Caesarean Trebonius then was one of the numerous men in public life (and in both parties) who were by a sufficient measure of years so much the juniors of Cicero as to have learned their best Latin in a manner from him, partly by their rhetorical training, and partly through the cordial respect for his leadership in culture and his modelling influence; a class of younger men which surely was much more numerous than we can now know. (Fam. 15, 1.) Trebonius had now sent to the orator a collection of

clever and witty things (apophthegmata) ascribed to Cicero. Trebonius had also set forth quite fully, in a series of what we may call anecdotes, the incidents which led to these utterances as they were quoted and passed about in the capital. A tone of personal respect and affection pervaded the book: Cicero was very far therefore from appearing as a mere clown in the collection. Not long before the end of the civil year Caesar, with great boldness and with but a slender force at first sailed from Lilybaeum for Africa, where his position for a long time was mainly defensive and almost precarious.[1] Cicero, no matter what he held in a question of politics, or of the Roman constitution, could not but feel that the regent had treated him with very great kindness and a consideration which we now know was largely due to a lively sense on Caesar's part of Cicero's great services to Roman letters and Roman culture. At the end of this year, or the beginning of the next, Cicero divorced Terentia,[2] to whom he had been married some thirty years. Neither party can have been greatly surprised at this consummation.

## 46 B. C.

Cicero's younger and very aristocratic friend Brutus, whose financial operations in Cyprus we reviewed with some wonderment, had made his peace with the regent soon after Pharsalus, and was quite willing to accept preferment from Caesar. Both Cicero and Brutus really may be put in the category of *Intransigeants*, but Cicero was vastly more respectable than the other in the honorable consistency of his conduct. What would not have been the remuneration of the orator if he, like Brutus and Cassius, or even Sulpicius, had adjusted his public position to the fact of the Regency and been willing to accept preferment from and under the Regent? About this time Brutus became governor of Cisalpine Gaul, without having been praetor. It was now a personal government. Even a candidate for the Quaestorship applied to Caesar for permission to be a candidate, as often

[1] Cf. my *Annals of Caesar*, 226 sqq. and 283 sqq.

[2] *O. E. Schmidt, Der Briefwechsel*, etc. p. 420. The present writer cannot hope to compete with the bewildering and microscopic elucidation of chronological detail, in which this investigator stands preeminent. I cordially agree with Schmidt's estimate of the Brutus-problem, p. 37: "Caesar verwendete Brutus als Lockvogel."

happens in certain odious forms of our own so-called political practices. (Fam. 13, 10, 3.) This year, before Thapsus, Cicero seems to have become even more attached to Brutus. What attracted the older man in this peculiar and tremendously obstinate personality was perhaps this: Earnest devotion, at least in certain lines, to philosophy; interest in the older Roman Republic, a faculty of hard reading, a strong interest in oratory, and individuality enough to separate himself from the domination of Ciceronianism itself. In this year Cicero desired that his son Marcus should formally assume the honorary "Aedileship" of Arpinum.[1] As a form of requital, Cicero was to aid the municipium in a substantial way, by settling up its fiscal affairs and accounts. He was deeply interested in having that good work go forward. On the whole, Cicero, after his return to the Palatine quarter and the Alban hills had not sought new friends. At that age one is not very apt to seek or find such. Life, and uncommon trials and tribulations, had furnished him with a somewhat severe standard of rating them. He had rather resumed his intimacy with a class of old friends who never change their allegiance, viz. with his books. (Fam. 11, 1, 2.) His best collection (apart from the greater resources open to him in the mansion of Atticus in the Quirinal quarter of Rome) was in a building near his Tusculan villa, where he had not resided for well-nigh five years. Did he entirely withdraw from courts and pleadership? Was he unwilling to appear before, and so recognize, praetors who owed their presidency to the various courts to the selection or the approval of the Regent? Functionaries, who were organic parts of the nascent monarchy? The great antiquarian Varro was then seventy years old, while the orator himself was now a sexagenarian. It was Varro to whom Cicero wrote about the "old friends." (Fam. 9, 1.) And it stands to reason that Cicero meant chiefly the old friends at the Tusculanum, whereas the Palatine mansion looked down upon the Forum and Curia, and was less of a home to him than ever.

Dr. Tyrrell is quite right: there is an unmistakable absence of warmth in the letters and in the relation of Cicero to Varro. We marvelled before that we cannot find any direct citation of the antiquarian in the extant fragments of Republic and Laws. Cicero was patronus of Reate: why not its distinguished son? The cool satirical vein and the preponderance of

[1] Fam. 13, 11, 2, with Tyrrell's note.

a somewhat dry disposition of the older man, probably found little affinity in the swift movement of Cicero's interests and in his livelier play of emotion.

At Brundisium Cicero too must have suffered from this form of isolation and loneliness. Varro's political status, for the time being, differed little from that of the orator. A Pompeian of long standing and much positive service, he was at Dyrrachium when the battle of Pharsalus was fought. He then returned to Italy, submitting himself personally to Caesar. With his vast erudition he lacked to a very great extent any positive sense of literary form. He could be very pungent as the remnants of his *saturae* show. In his philosophy, e. g. of religion, or even in the domain of technical grammar, he was deeply influenced by the Greek Stoics. Being a full decade the senior of Cicero he could not well have been counted among the admirers, still less the imitators, of Cicero. His production of erudite matter proceeded incessantly, so that some seven or eight years later, in 40–39 B. C., he himself said that he had written 490 volumina. (Gell. 3, 10.) It is to Varro then that Cicero wrote early in that year: "Let me tell you that after coming to town I was reconciled to my old friends, that is, to my books; though it was not on that account that I had abandoned my intercourse with them because I had entertained a grudge against them, but that I had a lurking sense of shame before them. For it seemed to me that when I had sunk into the nethermost whirl of utter disorder, when my comrades were quite unfaithful, that I had not sufficiently obeyed their precepts. (But) they are forgiving me, they are recalling me to my wonted occupation of former days,[1] and they say, that you, because you persevered in it, were a better philosopher than I." Cicero now positively makes advances to the old antiquarian and suggests more intercourse. He expresses his willingness to call on the older man, whether at Tusculum, or Cumae, or even at Rome. This however only as a last choice. Evidently Cicero had determined to be as little as possible near the seat of the Regency, which after all had buried the hopes and the ideals of Cicero's dearest convictions.

In this period of time when Caesar was campaigning in Africa against the powerful remnants of the oligarchy and against the king of Numidia, Cicero wrote his history of Roman oratory dedicated to Brutus, and in

[1] Revocant in consuetudinem pristinam. *Fam. 9, 1, 2.* One thinks of *pro Archia.*

antiquity generally entitled "Brutus de Claris Oratoribus." To call Brutus a *patron* (*Gönner*) of Cicero at this time, as does O. E. Schmidt, p. 38, is to hold a view which I cannot share. Nor do I believe with that distinguished critic, that the *Brutus* and later the *Cato* were virtually commissions insinuated to Cicero by Brutus. We must not forget that Brutus was very close to Atticus, and only after this intimacy had prevailed some time, did Cicero on Atticus' urging become acquainted with the son of Servilia. More likely that, while the initiative of dedication was entirely with Cicero, this literary honor was not entirely free from some practical regard for the circumstances of the times. Brutus stood very high in Caesar's favor. Cicero could not have done Caesar himself a greater favor than if he had attended courts and senate under the regency. But he consistently abstained. Hence it seems pointless to present Cicero as one who was hungry for Caesar's favor at this time.

The Arpinate then was on "the threshold of age," and had entered that section of our lives when the disposition for reminiscence and survey seems to predominate in us. He was looking back upon the great forensic past of his professional and public life as something concluded and determined. And it is quite clear that Cicero felt no alienation for Brutus because the latter had become a very prominent figure in the Regent's political retinue. A work by a Raphael on the history of painting, by a Napoleon on the chronicles of strategy, or a monograph by Bismarck on the annals of European diplomacy would be a rare contribution. So Cicero too wrote as the master in this field, certainly as the unexcelled public and private speaker of his own generation, and as the veritable leader and creator in the domain of Latin Prose. It is a dialogue in the Aristotelian manner, i. e. really an expository monologue, the chief interlocutor being almost exclusively heard.

The book is not without traces of the times in which it was made, viz. of the civil war and of the buried hopes of the author. For Cicero did not suddenly become shrivelled in his intellectual stature like some parched gourd or wilting flower, nor suddenly willing to deny or conceal his nobler convictions. The death of Hortensius in 50 B. C. is skilfully chosen as the material point of launching his theme. How large and free is Cicero's valuation of the man whom in his younger days (e. g. Pro Quinctio and the Verrines) thirty-five and twenty-four years before he had so earnestly antagonized and not merely in the position and circumstances determined by these cases, but in the elemental aspiration of deep ambition and that consciousness of deeper powers and of more devoted industry.

The actual present and the firmament of that day will not be entirely passed over. The vivacity and intensity of Cicero's temperament would not suffer that, nor that deeper pain, for which books and pen were the chief, perhaps the only anodyne. His older rival, then, had passed away

(4) "when he could mourn for the state, if he were alive, more easily [1] and his span of life was as long as one could live well and happily in the commonwealth." That then is at an end. The Roman forum once was (6–7) the stage for that gifted man, "but is now deprived of the voice trained and worthy to utter its eloquence before either Roman or Greek ears." That oratory which would advocate peace has no place more in the current of affairs. Are not both Caesar and Pompey meant in this sentence: "when I and my art were aging and I was anticipating a leisure so dear to that latter segment of life, then those arms (8) were taken up which the very men who had learned to wield them in a manner conducive to their renown, did not know how to use for their salvation." Or is it Pompey alone? Atticus' *Liber Annalis* or succinct Roman chronology was some incentive (14) to this survey. Cicero welcomed its aid in the notations of details. In fact, the positive personal attitude of Cicero's present treatise is more directed at his old friend Atticus than his new friend Brutus. Does he bemoan his unfinished treatise De legibus in § 16: nec ex conditis (fructibus) (scil. est unde tibi reddam) qui iacent in tenebris et ad quos omnis nobis aditus, qui paene solis [2] patuit, obstructus est. Almost bitter and certainly very personal is this turn: (22) "When Brutus was becoming quite mature and Cicero's own generation was about to yield the forensic stage to it, then," suddenly in the commonwealth both other things fell to the ground, and the very thing about which we are beginning to discourse, viz. eloquence became dumb.[3] "I have never seen that anyone became a great orator through victory in the field." (24) — It is a composite kind of work, this Brutus. There are the autobiographical things, so precious to us, and so fully utilized in the earlier chapters of this work, the admirable and grateful delineations of the models and ideals of his earliest youth, Crassus and Antonius, and of the junior lights such as Sulpicius and Cotta, of the elegant and brilliant Hortensius, of two younger men who had passed away, Curio and Calvus. Numidian archers had cut short the former's career, who had passed across the political firmament in a somewhat meteoric fashion. Cicero's eloquence we see does not cease with the desolation of the Forum: in the very field of valuation or judgment it finds new fields and new forms of utterance. His estimation of Curio may well detain us for a moment (280). Cicero credits Curio with great ease and fluency, with a natural gift for oratory, which balanced in some degree his lack of adequate educational preparation. He was zealous, but no hard worker. But Curio's political character and the peculiar and somewhat tortuous career which he pursued are condemned by Cicero without reserve and with entire unconcern as to the fact that the most brilliant part of Curio's career was almost en-

[1] The man who wrote this did not curry favor with the Regent.

[2] Except for Varro besides?

[3] Eloquentia obmutuit.

tirely devoted to Caesar and Curio's public honors had been largely bestowed upon him by the same.

Cicero's professional and cultural pride had something to do with the origin or the genetic point of this treatise. Distinguished members of the newer generation of orators began to gain a hearing. These were men like Brutus himself, and particularly the poet and orator Gaius Licinius Calvus, who had died in 48 B. C. at thirty-four years of age, son of the annalist and politician Licinius Maeer. Calvus pursued what he and his friends called a New Atticism, disdaining the volume and symmetry of Cicero's manner (The Isocratean manner). Theirs was a kind of chastened, pruned, severe style, simple and determined by a kind of self-repression. They claimed to imitate Lysias, as simple woodcuts, or black and white pencillings, are in contrast with the gorgeous tints of Venetian art. In Tacitus' time there were still current (Tacit. Dial. 18) letters which Brutus and Calvus sent to Cicero. They were censured by him as being "bloodless and dry, and devoted to a certain slenderness." Their entire manner impressed Cicero as "leanness, poverty, dryness" (285). There are various representatives of Atticism, Cicero urged; which did they mean? For no one would seriously claim that Demosthenes was inferior to Lysias.[1] Of living contemporaries Cicero selected but two,[2] violent adversaries in the struggle that led to Rubicon and so to Pharsalus, viz. M. Claudius Marcellus (consul of 51), then in self-imposed exile at Mitylene, his school-mate of earlier days, and Caesar himself (248–253). Cicero's literary valuation of Caesar's notes on the Gallic campaigns (262) are brought in here largely as a return of compliment, for Caesar had inscribed his grammatical treatise (De Analogia) to Cicero himself as a pathfinder and the master of Latin Prose expression, its wealth and fullness (253).[3] The concluding turn exhibits the orator as living still in the ideals and as holding the standards of the older republic, a body, two great families of which were represented in his younger friend. The normal development and career of the latter had been rudely interfered with by the sudden storm of the civil war. We see then that Cicero as a man of letters was attentive and courteous in his references to the dictator, but there was not such a thing for him at sixty, as laying aside the convictions of a life-time and those ideals which were inextricably bound up with the very essence of his culture.

About this time, or soon after, Cicero wrote his little monograph on the *Paradoxa Stoicorum*, this too inscribed to Brutus. These were axioms of Stoic Ethics which so sharply and abruptly antagonized the current morality of the ancient world as to gain this title. Cicero, in a kind of school exercise, gives them the form of the *locus communis* (τόπος κοινός)

[1] The elder Seneca sided with Cicero in reviewing this matter. *Controv.* 7, 19, 6.
[2] Quintil. 10, 1, 38.
[3] Cf. my *Annals of Caesar*, p. 272. Sueton.-Caes. 56.

or general truth, which like the writing on *thesis* was a favorite form of his constant self-training. It was a primary effort in Latin presentation, and thus a test or tentative something in Roman letters. The time was, we may compute, not very long before the news of Thapsus and the sequel arrived from Africa. The preface shows that the Brutus was written when the nights were long (winter and early spring) whereas this opusculum was written when the nights were growing shorter, about the vernal equinox and later.[1] Beyond all eruditional concern of our own we note that Cicero conceived such ethical propositions as these to be *eminently true* (*verissima*). They also had arrested the orator's attention as they were weapons for Cato on the floor of the senate, very efficient weapons, in the concise and brief points and question raised there and defended by that consummate Stoic. That Cicero presents these Paradoxes quite clearly and effectively is of more importance for us than the question as to "specific sources." Stoic ethics was more clearly connected with actual conduct than we are now apt to conceive, and these tenets too largely bore on conduct. Some of these Paradoxes were as follows:

> The moral good is the only good.
> Virtue is sufficient for happiness.
> Faults are equal (to each other) and
> the achievements of noble conduct
> (*κατορθώματα*) are alike.

It was here particularly (as we see in Horace's Satires) that the rigor of Stoic dogma challenged contradiction and scoffers. It was a great axiom for right living. Further: That every unwise man is a subject to a kind of insanity. That the wise alone is free and the unwise enslaved (with noble definitions of Freedom and stress laid on Personality in its highest aspects). That the wise man alone is rich. It is from the better Roman past that Cicero in the main derives his illustrations. As to his own generation he points to two prevailing types. One is the *quaestuosus* who knows no other pursuit but making and making, craving and getting, but never satisfied. Crassus is alluded to (45) but not named. The other type[2] is that of the lavish spender (the *sumptuosus*). The political, social, oral condemnation of Cicero is strong and true. The entire essay abounds in reflexions mirrored out of the times in which they were written, and is of a positively nobler strain than the morality of the elder Cato which was buttressed almost exclusively by economic considerations. This too was the time when collectors spend infinite sums for objects of art.[3] Thus the orator whose voice might resound no more before senate

[1] His iam contractioribus noctibus.

[2] It is startling to any reflecting reader to see that to-day among us too, in the United States, these two types of false ideals do mightily prevail.

[3] Non esse *emacem* vectigal est (50).

or people, latinized and embellished these noble sentences, the statesman cast aside and shipwrecked, the earnest soul surrounded by a generation almost exulting in its own disintegration and decadence, Cicero I say found here spiritual elements of a certain affinity.

It was still in the spring. Cicero's life was one of a certain solitude; not that many folk did not call, there was an abundance of society, of that superficial and mannikin class, but very few for whom a Cicero cared. Atticus and who else? Besides his scrolls and his pen and Tiro, there was the reflexion about his public life, a civic consciousness tested or regulated by a civic conscience. (Fam. 5, 21, 2.) The honorable retirement (the *honestum otium*), how it was to be, how maintained, how provided with suitable aims and objects. For Cicero's ingenium was of the restless and productive order. He kept reviewing his motives in the late struggle, and enjoyed a certain consistent satisfaction in such pursuits. He reviews Pompey's later courses, and is inclined to believe that jealousy prevented the Only one from accepting the orator's suggestions of composition and compromise. If Pompey only had heeded him, he would be still alive and happy, and with him all the good citizens who have perished. As for Africa Cicero is anxious, but no matter which side shall win (3), victory of neither will materially affect the political result, i. e. there is no substantial ground for expecting any restoration of the older Republic. The old happy existence will never return more, death at least will be welcome. Curious rumors were reaching Rome from the theatre of war (Att. 12, 2), that Asinius had fallen alive into the hands of soldiers, that young Pompey so far had not shown himself in the Balearic islands. Games at Praeneste: Fortuna was worshipped there in a famous shrine; dinners given there, sumptuous feasts; perhaps in the meantime the decisive battle had been fought in Africa. Balbus is building. What does he care? Atticus is to arrange for the Greek *grammaticus* Tyrannio to come out from Rome to the Tusculanum some time to read his treatise on the Greek accents. — You and I, my dear Varro (the antiquarian too had a Tusculanum), are outside of current affairs, but it is a good season for production.[1]

The battle of Thapsus which Caesar's ferocious veterans

[1] *Fam. 9, 3, 2:* artes nostrae nescio quo modo nunc uberiores fructus ferre videntur, quam olim ferebant.

turned into a shambles, in defiance of their commander, took place on April 6th (Feb. 6th, solar year). The news reached Rome in the latter half of April. Cicero suggests to his fellow conservative, old Varro (Fam. 9, 2, 2), that they had best avoid the eyes of men, even if they could not avoid their talk. The jubilant partisans of Caesar looked upon men like Cicero and Varro as defeated also. It had been a murky atmosphere; even a keen judge had been unable to forecast any definite result.—I have lost the faculty of anger. This hullaballoo and their felicitations must cool down some time. Throats are hoarse. I feel a willingness to help, if not as an architect, then even as a carpenter or humbler craftsman, to aid in the reconstruction of the government, provided anyone wishes to use our services, or indulge in statesmanship and political construction at least within the purlieus of our libraries.

Cato's suicide at Utica occurred about April 15th.[1] The news of it reached Rome about May 1st or so, and of course came to his nephew Brutus in the Po-country somewhat later. Cicero wrote an eulogy of that rare character. He professes to have done so at a suggestion of Brutus. "*Cato*, which theme I never would have touched fearing the times so hostile to greatness,[2] if I had not considered it wicked not to obey you who urged me and stirred in me the recollection so dear to me, of that man." The puzzling demeanor of Caesar's governor of the Po-country impresses us deeply. Overwhelmed with favors and bounties by the Regent, he did or caused to be done something which for Caesar added heavily to the crushing disappointment of Cato's death. The composition of this monograph must have stirred and set free once more some of the noblest sentiments in Cicero's soul. Cato had been to him, at least for some seventeen years, an incarnation of civic virtue, which Cicero almost felt as the clarion call of a trumpet, and which furnished an affinity to his own noblest aspirations. Still, much as Cicero relished the work, its execution was hedged in also with some consideration of prudence. Caesar had dealt severely with certain ones of his adversaries, who after receiving pardon and freedom had once more drawn the sword. Such was P. Ligarius,[3] a former officer under Afranius in Spain: "whom for his perjury and perfidy

[1] O. E. Schmidt, p. 420.

[2] Times certainly dominated by Julius Caesar.

[3] B. Afr. 63.

Caesar ordered to be executed." After Thapsus even L. Caesar had suffered death.[1] "When I heard about the younger L. Caesar, I thought in my own mind" (with a phrase of Terence's Andria), "Quid hic mihi faciet patri?" They did not know (Fam. 7, 9, 2) whether Caesar would come by way of Baiae or of Sardinia: "He has not yet looked over that farm of his, the poorest he has, but still he does not despise it. As for the monograph of Cato, it is a problem worthy of the acute intellect of an Archimedes."[2] Atticus with his practical worldly wisdom saw much of Cicero's friends such as Balbus or Hirtius, at his own table. Whether they would relish Cicero's work on the most consistent and the most honorable of Caesar's opponents in public life, was a question. "Would they read it willingly, would they peruse it with unruffled feelings? Nay even if I were to avoid dealing with his speeches in the senate, omit all his principles and the deliberations in public affairs, and if I barely desired to eulogize his determined and consistent conduct, these very things might, for the ears of those persons, furnish a hateful lecture. But truly eulogized that man cannot be, unless I duly set forth the following: viz. that Cato saw that those very things which now *are*, would come to be, and that he strove hard that they should not come to pass, and gave up his life so as not to see them accomplished." If there is anywhere in ancient letters a truer outline of Cato's political life, I do not know where to find it. There lie the simple words, like huge units of masonry, without binding mortar, without sculptured ornaments, large, firm, abiding. As to what Caesar was going to do after returning to the capital Cicero professed not to know. (Fam. 9, 6, 2.) He is content to be on good terms with Caesar's favorites. As for his inward convictions, he anticipates no changes there. "It is not the same thing to *bear* it, if anything is to be borne, and to *approve* anything that ought not to be approved. Although I do not know now, what I shall not approve, except the initial points of affairs: for these were subject to men's decision." Thus he does write to his erudite friend Varro. They had been together at Dyrrachium, when the grain was turning golden in the anxious days when they were awaiting news from Thessaly. Their sympathies and their emotions were the same, so now their

[1] B. Afr. 88–89.

[2] Att. 12, 4, 2, of a Newton *we* would say. In July (= May) he is still composing and delighting in it.

reminiscent vision of things is the same. The Ultras among the Roman autocracy in Epirus had nourished a deep hatred for both of these elderly men of letters, chiefly because Cicero and Varro refused to be ultras. — You and I have at least, from the non-material strivings of our past lives, a present and very positive solace in books and letters. This is life, in a higher and truer sense. — (Fam. 9, 6, 4.) There is a haven, a goal, an aim, a restful pursuit. Thus the Arpinate apologized to the Roman spirit and to the antiquity of Roman greatness. Young Quintus had been taken into the collegium of the Luperci. Thus began the gracious notice of the Regent, which was to advance still further the public career of one whom Cicero then held a treacherous and insolent kinsman, who meanwhile was worshipping the rising sun, as politicians old and young are wont to do. My stupid brother actually rejoices thereat. (Att. 12, 5.) Then Statius, his freedman, a deep scoundrel too; Quintus is blind to the true qualities of both. Philotimus, still steward of the divorced Terentia, a clover leaf, these three, of disesteemed persons.

While away from Rome the Regent of course regularly received the *Acta*, and, it seems, even utterances and remarks of prominent or important personages were included. So Cicero came to be a little nervous, for his witty tongue was rarely curbed by prudence or sober estimate of circumstances. Apart from this, Caesar in gaining a firmer grasp of his own generation seems to have had such sayings gathered for himself. "But still Caesar himself has a very keen judgment, and as Servius, your brother,[1] whom I esteem to have been very well versed in letters, might easily have said: "This line does not belong to Plautus, this one does, — so I hear, that Caesar, after having now completed the scrolls containing sayings (ἀποφθέγματα), if any saying is presented to him as mine which is not mine, is wont to reject it, which at the present time he does so much the more, because his intimates associate with me almost daily." In his constant attempts to adjust his life and these latter fortunes to Stoic ethics, he sometimes pens a beautiful sentence like this one (ib. 6): "Fortune, which, a slight and feeble thing, ought to be broken by a strong and well poised mind, as are sea-weeds by a rock." He thinks too of Dionysius at Syracuse, and Socrates under the Thirty, and, that worthy citizens in both towns did submit themselves

[1] Fam. 9, 16, 4. Cf. Suet. Caes. 56.

to such rule. There is a kind of nobler freedom, which may exist (in the soul) even under an absolute government. At this time Cicero often consented to listen to the oratorical productions of younger men of affairs, like Hirtius and Dolabella, both of whom enjoyed Caesar's favor and looked forward to the consulate. At bottom, with the temperamental impulse if not for action, then at least for vigorous activity, he began to think over the possibility of teaching, not indeed as a professional *Rhetor* but, as the master and mastermind of this department, to play still further the critic and lecturer in his chosen field of excellence.

It was about the time that Caesar was coming from Africa by way of Sardinia, that Cicero was composing the *Orator ad Brutum*.[1] It was certainly at this time, for in his current correspondence the same practical reflexions are met with (Fam. 9, 18, 2), viz. that it might prove a congenial occupation to teach oratory rather than mere rhetoric, not to adolescents but to younger orators and men in public life. In fact his friend Paetus had suggested it. To spend his latter life in giving consultations in civil law (Or. 142) as the Scaevolas had done, appealed not so much to him. Jurisprudence had always been rated lower than eloquence (141). If it is faulty (as Calvus had insisted) to speak with elaborate art (ornate), then let eloquence be entirely driven from the commonwealth. The old trials were gone forever (an exaggeration perhaps, but so he conceived forensic life under the Regent), and therewith had passed the royal sway long maintained by the Arpinate. Should he seriously assume this new function, he feels he would fortify himself against the times, unless it were better to die, and that now on his couch too. "The others indeed, Pompey, Lentulus, Scipio, Afranius, have shamefully perished." Cato's end was attended with renown.

Cicero's health was improving; he had resumed the physical exercises which for a while had been dropped. But to return: It was not so much the new Atticism which he feared at this latter stage of his career. Rather, as Otto Jahn clearly showed, was it to assert and reassert his place and his manner as the dominating one in Roman oratory and as worthy of being a model to the younger generation. In delineating then the ideal orator, he still quite concretely presents his own culture and art, his own power, his own achievements of the past. Cicero in a certain manner was, and he avowed himself to be, an Isocratean. He certainly believed in the occasional use, in the impressive charm of Rhythm in the structure of eloquence, not in an endless sing-song of Gorgian mellifluence soothing the audience as a child is rocked in its cradle, but dominated by tact and taste, by a proper practice of variation. It is impressive for a student of Cicero's

[1] Among the editions that of Otto Jahn and more recently that of Sir John Sandys of Cambridge stand forth (1885).

life to note how completely his published speeches had become the standard resources of that generation, how familiar were his discourses at that time, how readily their stylistic points could be cited, e. g. his defense of Caecina with its intricate questions of Civil Law (102), his commendation of Pompey in his support of the Manilian Law (ib.), what was at stake in the trial of Rabirius for Treason (ib.), the manysidedness of his Verrines (103), the case of Cluentius, the political trial of the Tribune Cornelius (ib.), the defense of Roscius of Ameria (107). This justly famous treatise is a breviary of his profession, of his life, of his art. But great eloquence cannot be estimated by the silently perusing eye nor by the passing labors of elementary pupils. A great score of Bach's or Beethoven's can arise from dusty archives of libraries to a strength, to a joyous and splendid life in the performance of a modern orchestra, far beyond the narrower simplicity of the early productions. But whose vocal powers and whose sympathetic spirit will now deliver, and where are the ears and mind completely attuned to, the vigorous art and power of the Arpinate?

The most famous of his later disciples in the theory of that noble faculty was Quintilian. Some 130 years after the death of the master his soul was still strongly moved in behalf of Cicero (12, 10, 12): "Especially there beset him those who had conceived an intense desire to appear as imitators of the Attic orators. This clique, as though initiated in some holy rites, persecuted him as a foreigner, as a man of insufficient scholarship. For these are they who veil their own weakness by the term of soundness, a thing in complete contrast (to that weakness), men who, because they cannot endure the more brilliant power of oratorical style resembling the sun, lie hidden (as overlooked), in the shadow of a great name." (Cf. Tuscul. 2, 1, 3.)

Caesar had arrived in Rome on July 25th[1]; Cicero continued his '*declamationes*' in which Hirtius particularly seems to have been industrious. (Fam. 7, 33.) *The men of his own set* (*gregales illi*) are dead and gone. With all his private and philosophical independence Cicero was by no means free from a new concern: "How will Caesar take it?" Will he object? The Regent indeed was looming up as a quasi-sovereign. The orator declares that it is his deliberate purpose, "if only Caesar will permit or desire it, to lay aside that character in which I have often gained his personal commendation and completely withdraw from public gaze (*abdere*)[2] to letters." He did not desire to speak in the senate, nay even to appear in the senate, and this clearly was a matter which concerned the head of the

[1] O. E. Schmidt, p. 421.

[2] Cf. Fam. 9, 26, 1, and Fam. 7, 28, 2: abdo me in bibliothecam.

new government. Half jestingly Cicero declares that in completely withdrawing from public life, he has deserted to the camp of the Epicureans. He jests about new pursuits such as those of dainty dishes at the table and large company. He is really coming to be a gentleman of leisure. He had many visitors, both of the Regent's party and of old conservatives too.[1] Some of these looked up to Cicero as the master of culture, the scholar. But real serenity and composure of soul is beyond him. "I have mourned for my country and more deeply and longer than a mother for her only son." The disintegration of the state is complete, but it is not the fault of him in whose power everything is. Fortunate the man whose residence is far away from Rome. Balbus, Caesar's confidant, is a royal personage (Fam. 9, 19, 1), and far above a mere ex-consul. In the freer social movement of those summer months Cicero was once the guest of the famous wit Volumnius, who from that faculty bore the surname *Eutrapelus;* to the Arpinate's complete surprise there was present at the feast the famous beauty, the actress Cytheris, a freedwoman of the host, who held Antony captive, and Cornelius Gallus, and Antony again. Cicero is immediately reminded of Lais and Aristippus. But in his relation he adds somewhat dryly: "As for me, none of these things ever affected me, not even in my youth, let alone now when I am an elderly man." He was then in his sixty-first year. He saw the triumphal parades of that autumn (no one would dare not to witness them): no single feature so embittered him as this, that Massilia (perhaps an allegorical figure, perhaps some huge painted canvas) was carried in one of the pageants. Among the new functions that Caesar now assumed, was the quasi-censorial of *praefectus morum*, wherein the Regent sought to curb the luxury of the table; confiscating costly dishes through new sumptuary laws,[2] whereas his own profusion of Gallic gold had perhaps added not a little to the further spread of luxury. Cicero makes fun of a certain ordinance dealing with mushrooms. At this time there was apprehension that the Regent would confiscate lands about Naples for his veterans. But, if one were nervous about such prospects, why not get information from the omniscient Balbus? "As for myself, profit and loss, and such material concerns have

[1] Fam. 7, 28, 2; 9, 20, 3.

[2] *Dio, 43, 14, 25. Fam. 9, 15, 5:* quamdiu hic erit hic praefectus moribus, parebo auctoritati tuae: cum vero aberit, ad fungos me tuos conferam.

well nigh passed out of my consciousness; why, my very physical existence during the last four years appears to me to-day as unexpected profit." At another time when he thought of the shades of those that had perished in Thessaly and in Africa, it appeared to himself as a wrong that he still tarried on earth. (Fam. 4, 13, 2.) As is the case in all moody temperaments, these moods changed incessantly. "We were sitting on the poop and holding the rudder; but now there is barely place (down in the hold) where the bilgewater is." (Fam. 9, 15, 3.) But again, "I cannot but esteem the man through whose kindness I have attained this." (Fam. 4, 13.) "Still let me tell you this, that not only I, who do not share his counsels, but not even the leading man himself knows what is going to happen. For we are subject to him and he to the circumstances of the day: so neither can he know what the times are going to demand, nor we what his thoughts are." Here in Rome there is still the outward mechanism of senatorial Resolutions. I am even recorded as witnessing the engrossing: whereas they are really drawn up at the house of our common friend (Balbus). I am recorded as making motions dealing with Armenia and Syria, when I never opened my mouth on these matters. Thus distant kings have thanked me for their titles, potentates of whom I did not even know that they existed. (Fam. 9, 15, 4.)

The actual present, the desolation of it all, the passing away of all the older friends with whose aid he carried through his anti-Catilinarian policy seventeen years before, all is so odd, so sad. (Fam. 4, 13, 3.) The absence of great and greater aims and tasks is irksome and well-nigh intolerable; nay even his mind has no adequate occupation. Still a noble task soon presented itself, viz. to aid in the restoration of political or personal friends then in exile, such as the antiquarian Nigidius Figulus. Just then Caesar nursed the device of delaying such pardons, for the moral effect; it suits him, Cicero wrote, to appear just now as somewhat stern and unrelenting. But that is assumed. — I hope, my dear Figulus, your property will not be confiscated. — Another one of these exiles was Plancius, whom Cicero had defended in 54. (Fam. 4, 15.) Still another and one of the ultras among the aristocracy was Cicero's old school-fellow, Marcus Claudius Marcellus, who in 51 as consul had been so eager to have Caesar deprived of armies and provinces. Cicero wrote to the exile then in Greece a fine letter, with the writer's sentiments

and vision measurably clarified and settled. (Fam. 4, 8.) Cicero then looked out upon the times as holding in their lap, at least potentially, an alternative of constitutional government. As for the choice of a particular residence in exile, what spot anywhere is free from the personal rule? But believe me, even he, who controls everything, is favorably disposed towards men of finer endowment. Marcellus had neither gone to Africa, nor had he invoked the Regent's pardon. Evidently he was proud. He could return, but he disdained intimating to the new ruler that he desired to do so. (Fam. 4, 7, 3.) Caesar in turn was too proud to take the initiative in such matters, after Thapsus. As Cicero then estimated things, Caesar too stood upon his dignity. We fear that if he granted the Claudian permission to return, that the latter might not consider it an act of grace at all. Besides, whether Marcellus was to choose Mitylene for residence or to go to Rhodes, what would it matter? For even there he would not be less in Caesar's power than in Rome itself. His sway embraces the world (4). The exile's cousin Gaius was very active in furthering the restoration. Why not yield to the times (4, 9, 2)? No free speech? Everything has passed into the power of the one. He uses not even the counsels of his own partisans, but only his own. This would not be much different, if he (Pompey) held the government, whom we followed. Pompey would consult neither you nor me, if he now were in Caesar's place. One of the worst features of the civil war is this, that the victor has to do many things even against his will, in accordance with the discretion (arbitrio) of those, through whom he gained the victory. Somewhere about this time Caesar in the senate granted this restoration, if not to any direct missive from Marcellus, then to the urgent intercession of his kinsmen, sometime before November 23rd (Sept. 23 of the solar year). Cicero's speech in the senate on this occasion is in our hands.[1] His impulsive nature got the better of his settled policy of silence in the Great Council. Those who demand from the great orator a rigid and fanciful consistency, have called this splendid burst of eloquence a poor discourse. It was in all truth a theme worthy of the greatest talent, and the analyzing academic critic may as

[1] Pseudo-criticism by Fr. A. Wolff; belittling estimate by Teuffel. Froude committed the serious blunder of setting this speech an entire year later, in the autumn of 45, with declamatory inferences as to Cicero's character. — It is quite clear that the speech was held later than *Fam.* 4, 7, 8–9.

well grant a Cicero a prompt and living sense of choosing a great theme on the spot. It reveals the lofty style, the *maëstoso*, of movement and spirit. There is much resemblance to some parts of the speech on the Consular Provinces of a decade before, still there is no trace of abject adulation. Furthermore the *Commentarii de B. G.* had probably been in the hands of the public some five or six years. Cicero would fain believe that this act of the Regent, politically considered, was, or might prove to be, the beginning of a better time, the morn of a period of reconstruction and restoration. The survey of Cicero's personal conduct in the storm and stress of the last three or four years is presented with dignity, moderation and truth, as e. g. when he says (14), "I followed that personage in a personal sense of obligation, not a political one." This discourse illumines the letters of this autumn, as they in turn completely justify and explain it. The orator's finer esteem is not aimed at the victories of the great captain, but is reserved for the nobler and more spiritual excellence of his character and public policy. He claims for those exiles purity and probity of political conviction without reserve or qualification. Caesar's life at this moment is indeed the most precious one in all the Mediterranean world; it is indispensable for all political hope and future (22 sqq.). Was this hypocritical? Not at all. Was it mere hyperbole? By no means. There is at this moment no political order or settled system whatever. Caesar alone can bring it about and reorganize the government. He alone can resuscitate political life, the courts, commercial credit. He alone can curb wild passions, restore the family to its proper functions, bind by severe statutes all those things which now have suffered disintegration. Many wounds are there to bind up, many remedies to be administered, which none but Caesar can devise. Not even the foundations of the new order have been laid.[1] There recur once more the same sentiments and political ideals, civic immortality and its lofty splendor, which Cicero had delineated in his Dream of Scipio, his peroration of his treatise of the State. It is the wide and distant horizon of historical judgment, which Cicero splendidly touches upon. When we think of the extreme and violent partisanship there, particularly that prevailing in Rome ever since Cornelia's elder son perished at the hands of the conserva-

[1] Was it from Balbus or Oppius, from Hirtius or Dolabella, that Cicero had learned of Caesar's favorite sentiment: "*Satis diu gloriae vixi.*"

tives, we cannot but pause and marvel at Cicero's confident prediction (29): "Devote yourself then to those judges also, who, many ages after our own, will pass judgment and perhaps will be more removed beyond all temptation of undue influence, for both without love and material desires, and again without rancor and without political odium, will their verdict be." There was no little dignity and no little fitness in the fact that Marcus Tullius Cicero was the spokesman on that day, nor was that address without dignity or fitness.

With Aulus Caecina of Etruria, who had written a most bitter invective against the Regent, the latter dealt more harshly, although the Tuscan pamphleteer had published a retraction. (Fam. 6, 6, 8.) Here Cicero's optimistic expectations failed him, while of Pompey the dictator spoke only in the most honorable terms, while Cassius had been appointed a legate to himself, Brutus made governor of the Po-country, Sulpicius placed over Greece. Personally the orator and author was now on very good terms with the Regent.[1] Another exile, one who had been with the conservatives in Africa, was Q. Ligarius.[2] To him Cicero wrote (in the latter part of September Fam. 6, 13, 2): "First then I shall write to you what I understand and see, viz. that Caesar will not be very harsh to you; for both the actual situation and passing time, and public opinion, *and as I think his own nature is rendering him more gentle*." I am doing my best, but my public position is but a mere shadow of its former substance, there are now but remnants of my former influence. P. Aelius Tubero, pardoned after Pharsalus, was accuser of the exile, and now indicted him for Treason. There was then available no court duly organized to try the case. Caesar was both judge and jury and there was no appeal. The matter came off in Caesar's official residence, the *Regia*, on the Forum (37). The brothers of Ligarius had secured Cicero's services. Pansa too, one of Caesar's favorites, and a quasi-pupil of Cicero's, attended the pleading (7). It is an appeal to Caesar's finer feeling pure and simple, and Cicero's eloquence was most forceful when it dealt with simple and large things. Here, too, amid all the compliments to the Regent, there is a definite and large and free spirit in Cicero's political utterances,

[1] *Fam. 6, 6, 13:* quod me amicissime cotidie magis Caesar amplectitur.

[2] He had fallen into Caesar's power at Hadrumetum, after Thapsus, *Bell. Afr. 9.*

which to-day often impress us as endowed with the dignity of historical judgments. "What else (18) did your arms set out to do, but to repel humiliation?" . . . "To me indeed, Caesar, your eminent services to me would assuredly not seem so great, if I deemed myself to have been spared as a criminal." . . . "The public position of the leaders was almost equal, perhaps also that of their adherents; the cause (of each) then doubtful, because there was something on either side which could be approved; at the present time, that cause must be esteemed the better, which the gods also did aid." Cicero plucks to pieces the accuser who would keep from the accused exile the same gracious clemency which permitted the accuser to live and have his being in Italy, in Rome itself. "We used to hear (33) that you said that we (the Pompeians) deemed all men antagonists except those who were with us, but that you considered all as your own, who were not against you." Caesar's consent to the restoration of Marcellus is referred to as a recent occurrence (37). "Nothing is so becoming to a people's statesman as goodness, none of your very numerous excellencies is either more admirable or more welcome than pity. No greater property is possessed by your fortune than that you have the power, no finer quality residing in your nature, than that you have the desire to save as many men as possible." We know the precise time of this, the second one of Cicero's Caesarean discourses. (Fam. 6, 14, 2.) Cicero's optimism and sanguine resiliency of former days had greatly changed, the storms and troubles of the last thirteen years had caused a great mutation: "If anyone is timid amid great and dangerous affairs, and always fearing untoward outcome more than hoping for a favorable one, that man am I, and if this is a fault, I confess I am not free from it. Still, I, this very one, when on November 26th (Sept. 23 of the sun) at the request of your brothers early in the morning I had come to Caesar and had endured the humiliation and the bother involved in calling upon him and being admitted into his presence" (there was a touch or a flavor of a court here), "when your brothers and kinsmen were prostrate before him, and I had uttered what the case and your circumstances called for, not only from the expressions of Caesar, which were quite gentle and courteous, but from his eyes and mien, and from many signs besides, which I could perceive more easily than set them down in writing, I withdrew with this opinion that I need not doubt as to your salvation."

What Plutarch adds in specification is notable. Most likely these were data which Tiro drew from his master when he prepared the MSS. of the Ligariana for publication. Caesar was heavily prejudiced against Ligarius, "but when Cicero, having begun, was stirring him marvellously, and the discourse was advancing with its multiform appeal to emotion and admirable in its gracious power, the color came and went in Caesar's countenance, as one could see, and he was experiencing every sort of emotion, and finally, when the orator touched upon the contest of Pharsalus, he was seized with a transport of feeling, his body shook, and some of the notes dropped from his hand."[1] As Tiro began in these years to gather Cicero's letters, it is even more natural that he should have constantly noted data for his elaborate biography. Cf. Plut. 41 and H. Peter, Die Quellen des Plutarch. It was only well in 45 that the Ligariana was published. "Atticus sold it splendidly" (Att. 13, 12, 1) — the right of publication or the copies themselves?

Another exile for whom Cicero was active, was T. Ampius Balbus, one of the most violent publicists or pamphleteers of the Pompeian side: he was called the "trumpet of the civil war" (Fam. 6, 12, 3), and Caesar's pen ultimately dealt harshly with him in his own relation of the Civil War. (B. C. 3, 105, 1.) Cicero expects that a passport (diploma 3) will be soon forthcoming. He derives much satisfaction from the fact that he is on such fine terms with Caesar's intimates: Pansa, Hirtius, Balbus, Oppius, Matius, Postumius. Through these men Cicero of course is studying the newer Caesar with great care: "Even he himself who has the greatest power daily seems to me to be imperceptibly moving (*delabi*) towards fairness and the actual situation." "I shall watch every factor."[2] With the great Jurist Servius Sulpicius the orator had many convictions in common, and the former was one of the few stars remaining in the desolate firmament of the times. He had as consul[3] earnestly warned against measures which might lead to civil war. He was like Cicero, an earnest reader of Greek philosophy and scholarly from his youth onward. Such pursuits (Cicero wrote) still abide, and these seem to be the only things truly abiding in the universal wreck of things. "So much will I say (Fam. 4, 3, 4) which I hope you will approve: viz. *that I, after realizing that there is no place for that professional attainment to which I have been devoted,*

[1] O. E. Schmidt, p. 258.

[2] Omnia momenta observabimus. *Fam. 6, 10, 2.*

[3] Fam. 4, 3, 1.

*whether in the senate-house or on the Forum, have directed all my concern and activity upon philosophy.*" Such pursuits have less material utility, but would draw the mind away from vexation.[1] Both men were sexagenarians. Both had reached a certain solitude, where the approbation of another one, and that one endowed with a finer political conscience and fond of reflexion, seemed doubly welcome amid the universal desolation of those political habits in which both had lived most of their lives. The Jurist had accepted from the Regent the governorship of Achaia. Did Cicero approve?

We see, that absolute inaction in Senate was interpreted by Julius Caesar as a condemnation of his government.[2] For the first time that pursuit of philosophy, which formally had to wait upon his occasional driblets of leisure (or *subsiciva tempora*) begins to form the substance and staple of the orator's life; daily it gains in body and weight.

He is deeply engrossed with the ethics of the Stoa: He mentions the morals of the Aim of Life (τὸ τέλος). Is he even then projecting his work *De Finibus?* (Att. 12, 6, 2) alongside of which was the listening to Tyrannio's monograph on Greek Accents, recommended by Atticus. But Cicero loves every one who loves knowledge for its own sake and such a one is Atticus. The *Orator* is out and Cicero asks his friend to make a correction (in § 29) substituting Aristophanes for Eupolis. Caesar had remarked that the word "*quaeso*" occurred too often in the interlocutory passages given to Atticus. Did this mean the Brutus?

About this time occurred the divorce of Tullia from Dolabella,[3] a crisis or solution in the third matrimonial essay of Tullia, which had been coming long but had been, I believe, put off again and again by the lady herself. On November 5th or so, Caesar left for Spain to wrest Corduba and the Baetis country from the young Pretender.[4] For the first time we encounter larger plans made necessary by the growth and aspirations of Cicero's only son. He must go forth. What shall he do? There were several

[1] About this time too the Julian Calendar was settled, with two intercalary months preceding December. — When some one said: "To-morrow the constellation *Lyra* rises," Cicero replied, "Yes, by order." *Plut. Caes. 59.*

[2] *Fam. 4, 4, 4:* an *offensio* with Caesar: me hanc rempublicam non putare, si perpetuo tacerem.

[3] O. E. Schmidt, p. 422.

[4] Quod bellum commotum a Scapula ita postea confirmatum est a Pompeio. *Fam. 9, 13, 1.*

alternatives. Young Marcus was willing to go to Spain, probably in Caesar's headquarters, but first and foremost, the youth wanted a good allowance. (Att. 12, 7, 1.) The father decided against the Spanish venture. Young Quintus would be there, pretty close to the great man in intimacy and influence. It would be too much for the younger cousin to witness that every day. Besides there was in Cicero himself the old deeper motive of a certain consistency. It is enough that I abandoned Pompey's arms. I cannot go as far as this would be. Young Marcus is to go to Athens, to study there. Dolabella is to repay the first third of Tullia's dower. Is Caesar going to nominate candidates for Roman office in Southern Spain or on the Campus Martius? (Att. 12, 8.) Cicero himself, from economic pressure, was looking abroad from his library for some consort to succeed to the divorced Terentia. One of the ladies recommended to him by the matchmakers was, "the ugliest thing he ever saw." [1] It was probably after Caesar's departure for the West, that Cicero made a southern tour,[2] visiting his Cumanum on Nov.19th (Fam. 7, 4), whence to his villa on the outskirts of Pompeii. At that time the seashore was close by. Between these two sojourns he was to visit his friend Paetus at or near Naples. (Fam, 9, 23.) Brief stay everywhere, probably merely a proprietor's tour of inspection. On November 23rd he is again at his *Arpinas.* (Att. 12, 1.) On the 24th he expected to reach his *Anagninum*, on the 25th his Tusculan favorite abode, where his daughter, a matron of thirty, and for the third time divorced, was expecting her father. She was looking forward to her confinement. This may be the time when Cicero sent a letter of consolation [3] to a certain Titus Titius. How calm and wise it all seems to be, particularly as penned by one whose dearest child was not to abide with him much longer. Calm and wise is this epistle, but it also reflects the times and the sombre atmosphere in which the scholar and the author was then living. "The very condition of the commonwealth and the disturbance of times gone to rack and ruin, when the most blessed are those who have not reared any children, and those who lost them in these times are less wretched than they would be if they had lost them in a good or

[1] Nihil vidi foedius. *Att. 12, 11.*

[2] O. E. Schmidt, p. 260.

[3] Fam. 5, 16, O. E. S. has not discussed it. It seems to be *sans* clew and still it is quite certain that it was *not* written after Tullia's death.

at least in some form of government." "What place is left now not only to chastity, rectitude, excellence, devotion to straightforward courses, sound culture, but to freedom and salvation at all?" In a missive to Gaius Cassius (the hero of the retreat from Carrhae and defender of Antioch), towards the end of the year, Cicero admits that his contentment is merely outward. "Where then, you will say, is your vaunted philosophy?" "Yours is in the cuisine (Cassius was a sectary of Epicurus), mine in the Greek schoolroom, for I am ashamed to be a slave." (Fam. 15, 18.)

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He further belabors his Epicurean correspondent with jests aimed at the more vulnerable parts of that philosophy, e. g. of the infinitely delicate images,[1] which enter man in the act of perception. Of public affairs our new philosopher would write nothing; make believe he cannot, he claims, and state his deeper convictions he would not. Caesar, then in Spain, is referred to as, "he in whose power we are." (Fam. 6, 5, 3.) About this time the *lex Julia Municipalis*[2] had come into existence. Cicero made inquiry of Balbus as to certain of its provisions, viz. that an auctioneer as such was disqualified for membership in the city council of a given town. — There is lively concern as to news from Southern Spain. Caesar has sent dispatches. News also came of the ruthless cruelty of the Pretender. Cicero was then not at his favorite seat, the expected confinement of his daughter kept him in Rome, there was no other way. Besides he desired to collect from Dolabella's agents the First Third of Tullia's dower, "and by Hercules I am not such a traveller as I used to be. My structures delight me and my leisure. My mansion (on the Palatine) is one which yields to none of my villas; my leisure is greater than any country which is absolutely desolate." (No more throngs of consulting clients.) "Therefore not even my authorship is interfered with," a comparatively novel experience. "Let your little son learn by heart his Hesiod[3] and readily quote τῆς δ' ἀρετῆς et cetera." As for the *distinguished public position* which Cicero, since his consular year, had been put-

[1] εἴδωλα, Cf. Lucretius book 3. Usener, *Epicurea*, p. 219 sq. Fam. 15, 16.

[2] *Fam. 6, 18.* Cf. Fragm. in Kübler's edition of Caesar.

[3] Works and Days, 289, "The Gods immortal have ordained that sweat should come before achieved eminence."

ting on the programme of age, of *his* age, it had turned out in this way: "if *public distinction* (dignitas) consists in this, that you accomplished what your convictions suggest or at least defend by untrammeled discourse, then there is a trace even left me of public distinction, and things go brilliantly if I can direct my own personal course myself." (Fam. 4, 14.) As for the war then going on between Caesar and young Pompey, the outcome of it in one case presents the prospect of civil bloodshed (proscription, if the young Pretender won), and the other, slavery. He speaks bitterly, even if by innuendo, of his divorced wife Terentia, of his brother and nephew, as of treason and scoundrelism in his own home. (Fam. 4, 14, 3.) He intimates it was Terentia's lack of economic faithfulness which drove him to divorce and later to marry again. It was Publilia, a very rich young lady with an ambitious widowed mother; he held the daughter's estate as trustee.

Plutarch 41 of Terentia: "neglected by her during the war (the Dyrrachium-Pharsalus campaign) when he was left in dire want." A note of defense, as by Tiro. As for Brundisium Cicero declined to have her come to him, and the few curt or laconic notes sent to her from that sojourn of misery are significant as to the extinguished sentiments of the past.

According to Plutarch (Tiro) Cicero was persuaded by Atticus — a business man's suggestion — to marry the young lady, while the disparity of ages was indeed very great; it was very largely to satisfy his importunate creditors. This marriage was afterwards always included in the indictments and invectives hurled at him in the furious political contentions of his last stage of life. Tiro loved and defended his master when he had passed away: all the distinction of Tiro's life after 43 B. C. came from that former association. With his late son-in-law Dolabella, the rising favorite of Caesar, he could not have assumed any haughty tone, even if he had been so inclined. (Fam. 9, 10.) The younger man is in Spain: Cicero's letter is jestful and brimming over with bantering nonsense. Thus the letters often suggest or mirror the ingenium of the given correspondent. P. Sulla is dead: gone then the most active bidder at Caesar's auctions of confiscated property. The issue in Spain is considered to be quite uncertain, the chances quite even: "For on the one hand while Fortune is in every war a common factor,

and the outcome of battle is uncertain, so on the other hand at this time so great are the forces on both sides said to be, so well organized for a decisive engagement, that, whosoever shall gain the victory, no marvel will result. The opinion of the public is daily more strongly established, viz. even if there be some difference between the political causes in this campaign, still there will not be much difference between the victory of the ones and the others. The ones (Caesar) we have now become acquainted with, as to the other one (young Pompey) there is none but reflects how fearful he will be as an enraged victor at the head of an army." (Fam. 6, 4, 1.) Nervous and apprehensive were the feelings of many: the news from Corduba and that province was indecisive and vague. Most timid were men like Gaius Cassius, who ostensibly at least had accepted the government of the Regent for the emoluments of public preferment. If the young Pretender ever should enter Rome, their heads would surely be the first to be forfeited. Cassius in fact deemed it the part of discretion to go to Brundisium and await the result. From that port he could sail to the East on the first intimation of an untoward outcome in Spain. Still Cassius jested with Cicero in the same old province of controversy, viz. Epicurus versus the Porch, but he would like to hear from Cicero about Spain (Fam. 15, 19): "I will stake my life if I am not anxious and prefer the old and gentle master rather than experiment with a new and cruel one. You know what a dolt Gnaeus (Jr.) is; you know how he deems cruelty an excellence, you know how he always thinks we make fun of him. I am afraid he will in boor's fashion requite our mockery with the sword. If Caesar has won, look for me speedily." About this time the literary hermit of the Tusculanum actually sent a letter to Caesar in Spain introducing to him the bearer, a Greek, Licinius Apollonius by name, a freedman of Publius Crassus who perished in the desert through Parthian arrows. The Graeculus wished to compose some Greek work, perhaps an epic, as an eye witness of the Spanish Campaign and perhaps with the great man to gain a position comparable to that which Archias had with Lucullus, or Theophanes with Pompey.

Tullia gave birth to a son of Dolabella. After having gained a fair measure of strength she was removed to her father's favorite countryseat. She was some 30–31 years old, her lately divorced husband Dolabella ("Lentulus") but twenty-four. She was not to see the Palatine quarter more. She passed away

before the spring had fairly set in, about [1] February 15th. This severest of all possible blows to his paternal heart induced Cicero to leave the villa in the hills and to seek refuge for the present with Atticus in Rome. There Cicero could revel in one of the best libraries at the capital, and there he read every book that dealt with the lessening of grief. (Att. 12, 14, 3.) Thence he went to Astura by the sea, where he was wont to sit and see the tides rolling in. Even before this he sent away his young wife, the heiress Publilia: it does not seem to have been any formal divorce. He told Publilia, after Tullia's death, that he wished to be alone. According to Plutarch, 41 (Tiro), "he took the event so much to heart that he even sent away his wife, as she had seemed to take pleasure in the death of Tullia." For indeed there may be observed some curious forms of jealousy with which sometimes the tenderer sex is afflicted. At Astura he wrote almost daily, it was in March, pouring out his grief to his friend. On March 7th he has received the letter of condolence from Brutus (Att. 12, 13), who wrote rather harshly, charging Cicero with a weakness unbecoming a man who was wont to console others.[2] Brutus was still governing Cisalpine Gaul. Of course Cicero could not then attend a banquet of the Augurs in Rome. Reading, reflexion, psychological analysis: the stricken father tried them all, and went on trying, but he found the sense of pain more sovereign than all of these. (Att. 12, 14, 2.) Nay he wrote a treatise on this subject, wrote, I say, with that curious combination of practical and cultural concerns, which deeply marks his peculiar personality. He wrote: Consolatio, seu de Luctu minuendo [3] (Consolation, or on the lessening of Grief). Chrysippus indeed, the Third Head and the most prolific writer of the Stoic school, urged to let fresh griefs strictly alone, while they were fresh.

There is a little note of mirroring here, of self-mirroring, which his friends would willingly miss: "I wrote such a book, which surely nobody

[1] Acc. to O. E. S. p. 271. It does not seem that Plutarch was familiar with the detail of Dolabella's civil mutation: τίκτουσα παρὰ Λέντλῳ.

[2] Ad Brut. 1, 9, 1.

[3] *Att. 12, 20, 2.* Cf. *Tuscul. 4, 63:* in Consolationis libro, quem in medio — non enim sapientes eramus — maerore et dolore conscripsimus, — quodque vetat Chrysippus ad recentis quasi tumores animi remedium adhibere, id nos fecimus, naturaeque vim attulimus, ut magnitudini medicinae doloris magnitudo concederet.

ever did before me," and besides he is convinced that the book would prove useful to others. It seems fated for our common humanity that the gifted minds shall not at the same time be the strong characters. At the same time Roman letters were still young: Horace and Virgil had the same consciousness of being first comers in certain form of letters, i. e. after the Greeks. It may have been a philosophy of resignation, a revaluation of many things, a positive reduction of their weight and value. In the course of time he came to realize a very positive difference between mourning (which he found he could lessen) and between pain, which he could not. The death of the dearest will somehow cheapen life. Cicero's original, *Crantor*, was still read by Jerome in the time of Symmachus and St. Ambrose. But there was a positive side also to the treatise. The mind of such a sufferer will be deeply concerned with death and immortality. Men were born, Cicero said in his introduction (Lactantius Instit. Div. 3, 18, 18), to atone for crimes. Whose Crimes? Not those of their ancestors? Best by far it was, not to be born at all, the next best to die early. He clings to, or reasserts doctrines growing even more dear to him, viz. that the soul and spirit in men were non-material, that any material or purely biological explanation of the reasoning powers in man was untenable. "Whatever that is which feels, which has taste, which lives, which has strength, it must needs be celestial and divine and therefore eternal." (Cited in Tuscul. 1, 66). In taking some clarified position as to the gods of the popular legends, he was greatly attracted by the theory of Euhemeros, viz. that these gods were originally human beings. But what was it which at this particular time made this view so alluring? It was this very thing, which then surrounded him like a closed atmosphere, viz. his yearning for his departed daughter. He sought for some definite ground for satisfying this craving and longing, as in the following: "If the offspring of Cadmus or Amphitryo or Tyndarus deserved translation to heaven by Fame, then it is she to whom this honor must be solemnly granted (*dicandus*). This indeed I shall do and shall consecrate thee [1] best and most cultured of all women, with the approval of the immortal gods themselves in their heaven, shall consecrate thee, an act addressed to the opinion of all mankind." And speaking soberly, Cicero simply gave a new and concrete application to aspirations and quasi-philosophical beliefs, of which he made so full and so fervid a statement in his Dream of Scipio. And so too in the *Consolation* he gathered figures of Great Romans, who buried their own sons. (Tuscul. 3, 70.) We must not say that the bereaved man was unbalanced by an excess of grief, as it might seem at the first glance. Now much, far too much of our so-called culture and scholarship is either mere glancing, or mechanical or reverential iteration of a statement formulated by some noted person. It is fashionable to say then, that this monograph was a kind of seminar-

[1] The phrase "profecto illam consecrabo" recurs in *Att. 12, 18, 1.*

exercise, or transcription of Crantor. The latter was a Platonist. In his aspirations after the transcendental Cicero always felt a deep affinity for these doctrines. There was some heaven, there was also some wretched abode for the wicked after this earthly life. The mysteries of Eleusis also he had witnessed as one admitted to initiation. "For not to all men (did those same wise men hold that) the same passage to heaven lay open. For they taught that those stained with shortcomings and crimes were thrust down into darkness and lay in morass,[1] but that the chaste souls, unstained, unbribed, refined by goodly pursuits and attainments, in a certain smooth and easy gliding away flew to the gods, i. e. to a nature resembling their own." He keeps on even after completing his monograph, gathering exempla from Roman history. Att. 12, 22, 2; 23, 3; 12, 24, 2. Quod me ipse per literas consolatus sum, non paenitet me, quantum profecerim. Att. 12, 28, 2. Cf. de Div, 2, 22.

The dull sense of pain seemed to abide for a while; it would not be so promptly removed by the pen, still Cicero strove much harder to combat his own deep depression than during his exile in Thessalonica. Still he wrote and wrote, to overcome that numbness by activity and production of some sort. Or, he went into the dense forest early in the morning and only entered his villa at Astura again with the evening star. (Att. 12, 15.) L. Marcius Philippus, the second husband of Caesar's niece Atia, had a villa of his own there by the sea; at Puteoli too they were neighbors. From the ineffective consolation sought in authorship Cicero now turned to something more palpable and direct, but in perfect harmony with that which he had written, indeed a practical corollary or supplement of the same, viz. to erect some shrine or monument in Tullia's memory. (Att. 12, 18.) He feels like executing a vow: "and that long time when I shall not be, influences me more than this little span, which still seems to me too long." Tiro was with him.[2] Pansa was to relieve Brutus as governor of Cisalpine Gaul. Antony somewhat suddenly arrives in Rome from Narbo, about March 8–10, and caused some alarm. He had not accompanied Caesar to Spain at all, being still in the sulks. Cicero personally remained calm[3] about this

[1] Lactant. 3, 19, 6: *in caeno iacēre:* clearly a reminiscence in Cicero of the Eleusinian phrase: ἐν βορβόρῳ κεῖσθαι, one thinks of Dante and of Vergil's sixth book.

[2] Cf. *Att. 12, 19, 3* and *13, 6, 3:* et ait Tiro te habere oportere. Cf., on the proposed shrine, the ἡρῷον of the Greeks.

[3] Is Phil. 2, 77, telling of an incipient panic in Rome merely a rhetorical exaggeration? Balbus and Oppius wrote to Cicero that he should give himself no concern. *Att. 12, 19, 2.*

event; he suggests that Antony desired to secure his bondsmen. Terentia admonished the recluse of Astura, through Atticus, to make some provision in his will for their grandchild. Cicero's rejoinder to Atticus is curt and sharp.

The shrine and "apotheosis" of Tullia occupied him much. The choice of a site was engrossing. Shall it be the seashore or some small park near Rome?

The marble pillars to be imported perhaps from Chios. Caesar in his sumptuary law had imposed a special tax, the columnarium (Att. 13, 6, 1–3). Arpinum or the island in the Liris might do (Att. 12, 12, 1) but it is too far out of the world. He is eager to spend very freely, even to the point of selling some of his farmlands. (Att. 12, 22, 3.) He might buy the park of Drusus, the price is immaterial (Att. 12, 23, 3), or a location on the highway to Ostia. No more plate or rugs for me. I know I am crazy about it (Me τετυφῶσθαι, 12, 25, 1.) The passing of many people (celebritas) is to determine the site (12, 27, 1; 12, 29, 2). The property of Damassippus (2,23, 4). Cf. Plut. Sulla, 35. It must be called Fanum, "ut posteritas habeat religionem" (12, 36). Atticus suggests the Tusculanum (12, 37) but, no celebritas there! (Att. 12, 38); Scapula's property suggested (12, 40, 4); or Clodia's property (12, 43), or that of Trebonius (12, 47); dues from Caesar's secretary to be applied to this object (ib. 12, 52, 2; 13, 1, 2; 13, 29, 2; 13, 31, 4) (Att. 12, 37, 4).

Meanwhile his faithful friend the governor of Achaia, the great jurist Servius Sulpicius, had, through his son at Rome, heard of Cicero's bitter bereavement, and now writes to console him. This is one of the most famous missives which have come down to us from the ancient world. Servius assumes a larger view and casts his friendly consolation into the most robust and virile form imaginable. A Roman letter indeed (Fam. 4, 5): "Why should your domestic grief so greatly upset you? Reflect how Fortune has dealt with us, that those things which have been wrested from us which ought not to be less dear to mankind than children, viz. our country, the principles of morality, public distinction, all offices of state. Through the addition of this single untoward matter what could be added to your grief? Or how ought not our spirit, driven about in those things, become toughened now and rate everything of less value? Or is it for her sake, pray, that you are grieving? How often must you have entered upon that reflexion (as I have often happened upon it) that in these times those have not fared very ill, who were permitted without pain to exchange death for life? And what indeed was there, which at the present time could greatly invite

her to go on living? What object? What hope? What solace of the spirit? That she might spend her life with some younger man of the first rank? It was a matter within your choice, I believe, to select a son-in-law out of the younger men of this time, to whose trust you might safely commit your descendants. Or was it that she might bear children whose prosperity to see would cause her joy? (or those children) who by themselves could maintain the estate transmitted by their sire, and would in regular course become candidates for the offices of the state, live with perfect freedom, in public life (or) in the concerns of their friends? Which of these things was not taken away before it was given? 'But (one might say) it is a great evil to lose children.' It is, unless this is worse, viz. to suffer and continually endure these things. A matter which caused me no small consolation, I wish to recall to you, if perhaps the same thing may lessen your pain. Returning from the province of Asia when I was sailing away from Aegina towards Megara, I began to look out upon the regions roundabout. Behind me was Aegina, before me Megara, on my right the Piraeus, on the left Corinth, towns which at one time were supremely prosperous; now they lie before one's eyes prostrate and ruined. I began to reflect in my own heart: well, we mannikins deem it an awful thing if one of us has passed away or been slain, whose life intrinsically must be pretty short, when in one spot (i. e. as seen from one point) the corpses of so many communities lie cast down! Will you not, Servius, control yourself, and remember that you were born a human being? Believe me, I was not a little composed by this reflexion. Place this drastically before your vision, if you share my views: a short time ago so many renowned men (at Thapsus) passed away; the sway of the Roman people has suffered so great a reduction; all provinces have been convulsed. In the frail life of one feeble woman [1] if a loss has transpired, are you so greatly stirred? Finally do not forget that you are Cicero [2] and a man who is wont to give rules to others and to counsel them, and do not imitate the inferior physicians who claim the knowledge of medical science in dealing with the ailments of others, but cannot treat themselves." . . . "We have seen a number of times that you did bear good fortune

[1] Tyrrell's version of "in unius mulierculae animula."

[2] So Lucceius (Fam. 5, 13) in a similar letter had called Cicero *praeceptor fortitudinis.*

very nicely and that you gained commendation from it: *let us for once at least realize, that you can bear untoward fortune also equally well and that it does not seem a greater burden to you than it ought to be, lest of all excellencies this one seem to be lacking to you.*" Any commentary on these clear and noble words would be a mere impertinence on the part of the historian and biographer, but this only: it may be doubted whether it had any incisive influence on Cicero's inner man. We have also some notes of rejoinder from the bereaved father: "But, my dear Servius, I lack those conditions which Fabius Maximus had, or L. Aemilius Paullus, or the Censor Cato. (All these lost excellent sons in their old age.) With me everything was gone, but Tullia; now absolutely everything is stripped away. Those men had adequate and worthy pursuits left them. No Forum, no Curia for me. I could not bear to see them. I have no home any more to console me for everything else. The will of a single individual controls my life. Every aspect of that life is positively cheerless then, is it not?" (Fam. 4, 6.)

Terentia dealt as vigorously as possible with her former husband, and that in a high and mighty fashion [1] of insisting upon terms. She was insistent and adroit for her interest: Cicero could not endure the idea of a personal conference. She had chosen no less a personage than Balbus, the chief minister of the Regent's private cabinet, to receive Cicero's repayments of her dowry. But he would rather suffer in the settlement than overreach her. On March 16th there is the first intimation of his planning his great moral treatise (*De Finibus*). Certain persons actually craved the honor of figuring among the interlocutors in the dialogue. (Att. 12, 12, 1.)—You ask me to resume my profession as patronus on the Forum. Impossible. I keenly tried to quit that labor even, "when I was a happy man." (Tyrrell). "*For what have I to do with the Forum, when there are no courts, when there is no senate house* (i. e. such as are the agencies of an *autonomous* government, of a *free* state), *when those persons pass into my sphere of vision, whom I cannot behold with composure.*" (Att. 12, 22, 5.) I did seek my remedy and therapeutics from philosophical reading and extracts: that certainly is not the characteristic of a bruised and broken spirit. I desire no relapse into that noisy life.

On March 20th he begins to settle details as to the departure

[1] Regia condicio, Att. 12, 12.

of young Marcus [1] (twenty years old) for Athens. Can he get funds at Athens by a draft or a bill of exchange, or is it necessary that he carry funds with him? Atticus kept urging the literary recluse to return to Forum and Senate and there spend his aging years and even die in harness. But he will have none of it: Loneliness and withdrawal from life are my province (12, 26, 2). He declined also to take the Greek scholar Nikias Curtius of Cos into his company. Nikias had been in his household in Cilicia. Cicero found him to be deficient in vigor and hardiness of character. Brutus may be in Rome once more about April 1st, having been relieved by Pansa. There may be remarks about my seclusion and hermit life, but I have passed beyond concerning myself about the Public. I do not avoid Brutus nor am I desirous of meeting him. (Att. 12, 29, 1.) — He refused to take back the young heiress Publilia. She had written to him at length and in a tone of supplication. Somebody had composed this epistle for her, Cicero thought, perhaps her mother. (Fam. 12, 32, 1.) It would have been a social distinction to bring about a reconciliation with the bearer of so prominent a name. Prominence, rather than eminence, is the *simulacrum* in the fane of society. Sometimes prominence coincides with eminence, but for the recognition of the latter, society generally lacks the requisite mentality. For most of its acts or activities it needs mode or bellwether. If young Marcus did not go to Greece, he insisted on an establishment of his own, with a good allowance. His father's study and library in the Alban hills meant nothing to him. Young Bibulus Acidinus and Messalla are expected to reside in Athens at this time likewise. A carriage is not necessary there. Cicero has a claim on Caesar's secretary Faberius: he does not know whether to sell the claim or not: would Caesar be offended? There were certain rents for property in the *Argiletum* and on the *Aventine*, which now are to be set apart for Marcus. (Att. 12, 32, 2.) As spring advanced the prospects for staying at Astura were not so good, and he shifted to a villa belonging to Atticus, near Ficulea, some seventeen miles northeast of Rome. Cicero's literary friend Lucceius had written to console him, but as to the current of public affairs the orator declared himself unable to share the hopes of his correspondent: "Take any of the constituent parts of the government, take those you know best: you will find none which is

[1] Att. 12, 24, 1; 12, 27, 2; 12, 28, 1; the allowance in Att. 12, 32, 2.

not broken or enfeebled." For a man who has not hope whatever in this domain, I think I am doing pretty well.[1] In April probably, while in residence near Ficulea, Cicero referred to the war in Spain, before Munda was reported at Rome.[2] He claims that his state of mind is very different from that time which preceded Dyrrachium and Pharsalus. One must be patient and accept either issue calmly. No troubles last so very long. Death ends them all. The conclusion of this most disastrous war cannot be far away. In public life we must be content with the approval of our conscience, even though all material results prove untoward. The state must either be harassed by war, of which there will be no end, or after this is out of the way, must be sometime restored or utterly perish. (Fam. 6, 2, 2.) And then who will make much out of private misfortune?

On the evening of April 20th, one day before the Parilia, the news of the fierce contest of Munda reached the capital, at least thirty-four days after the event.[3] Caesar had soon afterward regained Corduba, the capital of the province and the central point of the entire insurrection. Those found in arms there were put to the sword, the rest sold into slavery. At Hispalis (Sevilla) on April 12th the head of the young Pretender was turned in to the angry Dictator.[4] Cicero now expected to see Dolabella soon once more, and welcomes his company or the near prospect of it. (Fam. 9, 11.) We cannot but consider this epistle as one dictated by prudence. Firstly Dolabella still owed the greater part of Tullia's dower, and secondly he was a rapidly rising favorite of the Regent. Not one word of congratulation as to Munda and the general outcome of the campaign. In May he was back at the seaside near Astura. (Att. 12, 37.) Hirtius sent him news from Spain, and Cicero professes indifference as to the fate of Pompey's sons. Young Quintus, his scoundrelly nephew, gave him more concern. That youth had gone through the campaign in Caesar's headquarters and was evidently still occupied in his own task of poisoning the mind of the Regent against Cicero. Asinius Pollio had written to the orator with that blunt candor which was one of his characteristic qualities. (Att. 12, 28, 2.) Hirtius at this time sent to Cicero a copy of his monograph on Cato. It was really a gathering together of every

[1] *Fam.* 5, 13.
[2] O. E. S. places Fam. 6, 21 *before* Tullia's death.
[3] Dio, 43, 42.
[4] Cf. Bell. Hisp. 39.

little incident which could possibly be adduced to the discredit of Caesar's great and consistent antagonist. Cicero presumed that Hirtius' work was, as it were, a model or preliminary pattern by which Caesar had worked out his own vituperation, or abuse, in reply to Cicero's eulogy. Hirtius' work as to Caesar's Cicero compared to the clay model [1] which the sculptor reproduces in marble. Hirtius had softened the effect by great praise of Cicero. The latter expected the greater vogue for his own Cato from Hirtius' publication. (Att. 12, 47, 3; 45, 3.) At this time too he was attempting to compose a political memorandum addressed to Caesar, containing suggestions as to the reconstruction of the government; such rebuilding of the state Cicero then considered reasonably certain. The urgency of the Parthian campaign however then pushed everything into the background. Of course he sought his best sentiments and ideas, even for such a theme, with the Greeks, reading a work by Antisthenes.[2] Later he looked through Aristotle's memorial addressed to Alexander. He pointed to such activities in declining to accept from his bosom friend any censure for extreme depression. In fact he utterly denies the imputation: "those hilarious folks near you, who find fault with me, cannot *read* as much as I have *written:* how well, is immaterial, but the kind of composition was one which no one with his spirit utterly cast down could do." (Att. 12, 40, 2.) Little doubt but that he here had in mind his great treatise *De Finibus.*

As the *Consolatio* was completed, he was chiefly engaged in this great treatise, *De Finibus Bonorum et Malorum.* This is an exposition of the doctrine of the great schools of the Greeks in dealing with the aim of living, with the boons and evils as involved in choosing or declining conduct and action. The plural in the title seems to be due to the plurality of doctrine and schools.[3] After Madvig and Hirzel it would be presumptuous to utter conjectures in the utterly bootless quest of Sources. These in Cicero's case were perhaps to some extent determined by the particular kind or degree of equipment of the library of Atticus in his house on the Quirinal. How desolate indeed had Cicero become, so that there was no one else to whom this interesting and important book could be dedicated

[1] *πρόπλασμα*, Att. 12, 41, 4.

[2] Att. 12, 38, 5. Diog. Laert. 6, 1, 16.

[3] Possibly. Chrysippus wrote *περὶ τελῶν* Diog. Laert. VII, 85. Epicurus wrote *περὶ τέλους*, from which Athenaeus makes a citation, VII, 279 F. Cf. Madvig's second edition, especially Excursus V, p. 824 sqq.

but the conceited and condescending Brutus, the counterfeit shadow of his infinitely greater uncle, Cato of Utica. Cicero had planned an entire series of philosophical books. There, in the best Latin prose, were to be presented the main doctrines of Greek philosophy (there was no Roman philosophy) as held by sectaries of the chief schools. The typical and seasoned Roman, like the typical American permeated with a utilitarian spirit and tradition, held such pursuits futile and unbecoming of active men, of practical persons. Large business, large politics, campaigns, conquests, the exploitation of the Mediterranean world had so long determined Roman pursuits, that Cicero wrote an introductory treatise, viz. his "*Hortensius*."[1] As far as grammaticus and rhetor in the initial stage of education were concerned, i. e. the Greek basis of it, there was probably little difference in the procedure of training any Roman youth of good family. But as for an adult's pursuits, as for the serious concerns of a strong and successful Roman, it was felt as something absurd and preposterous, to devote one's self to pursuits that ended not in money or political power. And it is significant that Cicero made Hortensius himself the spokesman of those who censured and disparaged such pursuits. Should one study philosophy at all? The scene of the dialogue seems to have been set on the Gulf of Naples, perhaps, before Cicero's departure for Cilicia. We must by no means omit setting down here the brilliant testimony now found in St. Augustine's Confessions, 3, 4, 7. That great man when still a dissolute and pagan youth, at Carthage, pursuing his studies with the rhetor: "in the customary routine of learning I had reached a certain book of Cicero's, whose tongue pretty nearly all the world admires, not so his deeper convictions. Now that book of his contains an exhortation to the pursuit of wisdom and it is called Hortensius. The book indeed changed my inclinations:[2] cheap for me suddenly was all hope for futile things and I nursed a strong desire for the imperishable substance of wisdom with an incredible emotion of my heart." The young student of Rhetoric was then in his nineteenth year, it was in 373 Anno Domini, 418 years after the Hortensius had been written. And when we do think of the warmth and the vigor of that appeal, we may well admit that the deeper virility of his spirit had by no means been impaired by Tullia's death. Here there is a marvellous resiliency indeed. The Public of course could think of no other cause for Cicero's rustic seclusion at Astura and elsewhere. It was May, and the days were quite long, but Cicero, forcing the pace, wrote even at night, that is to say, it is quite probable that he dictated to Tiro, whose faculty of taking dictation was astounding.[3] He slept little; on May 13th at Astura he writes: Ego

[1] Dissert. by Otto Plasberg. Leipz. 1892.

[2] Zielinski, p. 143.

[3] Att. 13, 25, 3: ergo ne Tironi quidem dictavi, qui totas περιοχάς persequi solet, sed Spintharo syllabatim. In Tyrrell, letter no. 642.

hic duo magna *συντάγματα* absolvi (Att. 12, 45, 1). Are these two big books the two books of his first Academica, or Academica *and* De Finibus?

At once he composed the political memoir for Caesar. The actual dispatching of the same was a question of tact and prudence. May 16–17 he was at Lanuvium. Thence he went to his Tusculanum in the Alban hills. Here he had closed Tullia's eyes, and the reminiscence of that death-bed was still fresh, but he was resolved to rule himself for once if he could. He had not done it much in his life hitherto and he was now in his sixty-second year. Atticus now had Caesar for a neighbor. It was in this way. The Philhellene's house was in the quarter of the Quirinal, near the temple of Quirinus. And in this temple, in consequence of Munda there had now been erected a statue to Caesar with this inscription: *Deo Invicto*.[1] Romulus deified, Caesar deified. No very great difference. "I would rather have him share a shrine with Quirinus than with *Salus*." (Att. 12, 45, 3.) Romulus (Quirinus) had been torn to pieces by senators according to the enlightened readers of Roman antiquity. A veiled curse of the man of letters. One may well believe with Nicolaus of Damascus (and so probably with Augustus himself) that those who hated Caesar bitterly, with deep cunning made common cause with his creatures and flatterers, even before he actually returned, in imposing upon him an excess of more than human honors. We now for the first time hear of Caerellia. She was a wealthy lady who had loaned Cicero money. She was older than the author. She devoured Cicero's new philosophical books and had *De Finibus* copied for herself, even before Atticus was ready for publication.[2] Cicero's head was not at all turned by this particular form of homage. The scandulous and silly insinuations made by Antony and his adherents,[3] may be thrown into the wastebasket of history without more ado. It was the typical way in which political feuds were carried on in that generation of the moribund republic.

You apprehend, my dear Atticus, that I find it difficult to reproduce Greek philosophy in Latin terms.[4] Give yourself no concern on this score. "My books are mere transcriptions,

[1] Dio, 43, 45. *θεῷ ἀνικήτῳ ἐπιγράψαντες*. Cf. Att. 13, 28, 1.

[2] Att. 13, 21, 5.

[3] Dio, 46, 18, 4.

[4] *ἀπόγραφα* sunt, minore labore fiunt, verba tantum adfero quibus abundo. Att. 13, 52, 3.

they are produced with no very great toil. My task is merely to furnish phrase, of which I have a rich supply." This passage with great regularity has been presented in most of the books dealing with the history of literature and philosophy. The professorial conscience of exact method and scientific precision has particularly drawn from this avowal much depreciation, much condescending toleration. Original Roman philosophy was then impossible even to the wildest imagination. But the eruditional point of view is entirely dispensable here. The matter to note and ponder is the fact that such themes were latinized at all, that Cicero was conscious (as was Lucretius in verse) of a certain and very positive primacy, that here was no hermit or sciolist filling notebooks, but a man who by his own unaided industry and by his ambition (whether lofty or otherwise) had written his name large in the annals of the declining and crumbling Republic. We note further that his chief concern was with the motives and ideals bound up with wise living and with right living, and that the warmth and vigor of his presentation have stubbornly held out against the gnawing tooth of time. For such letters the oratorical temperament is always sure to gain more readers than the purely academic with its precision, its correct method and other expository virtues. It is not quite easy to do justice to the intensity, the energy and the versatility of Cicero's nature. It is on the other hand consummately easy to copy and echo, and by a doubtful, a vicarious scholarship to appropriate the slurs and sneers of Mommsen and Drumann and of the minor minds who have trodden in their footsteps. And moreover there was in the Arpinate the sense of life's descending plane, life's downward slope.[1] It was a worthy design to make his closing career contribute something to Roman civilization, something different from the contributions made by Sulla, Lucullus and Hortensius. We do admit, and with good insight too, that such occupations in a way were the *ultima ratio* of a voyager whose ship of life had foundered on the sands. "For what am I, or what can I be? At home, or outdoors? If that had not occurred to me, to write those what d' you call 'em things (*scribere ista nescio quae*, almost with contempt), I would not know whither to turn." (Att. 13, 10, 1.)

As for the state paper designed for Caesar's eyes, the recluse of Astura and the Tusculanum had thought it wise, not to be

[1] καταβλωσις, Att. 13, 1, 2.

content with the wisdom of Atticus. Balbus, Oppius and Hirtius had seen the draft. (Att. 13, 27, 1.) They told him frankly that in its actual form the memoir would not do. The changes which they suggested were so numerous that it would have been necessary to rewrite the whole. Cicero had left it an open question, whether Caesar should enter upon a Parthian campaign at this time, when so much remained to be done to settle the government of Rome itself. (Att. 13, 31, 3.) It became clear to Caesar in fact even before he left Spain, that he must tarry in Rome for a while, and satisfy himself that his statutes were lived up to better than in his sumptuary laws. (Att. 13, 7, 1.) "If however I cannot score a very positive practical success, I do not care to submit such a paper to him at all. What will he think? Perhaps this, that through the state paper I wished to tone down the effect produced on him by my monograph on Cato." [1] The political memorandum too might have been pulled to pieces by men (close to him) in his headquarters in Spain, where also my precious nephew Quintus now is. — Besides there was a tone of eulogy toward the victor of Munda which the deeper republican sentiment of Cicero himself did not much relish. He kept away from Rome however and so from the curia where honors unheard of and unknown to a free state were being adopted so easily and so rapidly.

The first book of his large Ethical treatise De Finibus ("Torquatus") is noted on May 29th as being at Rome and in transmission there to Atticus for multiplication and ultimate publication (Att. 13, 32, 3). Even before this the first two books of the first draft of Academica ("Catulus and Lucullus") had been sent to Rome. "To these books new introductions (prooemia) have been prefixed in which each of them is praised."

On June 9th Brutus at last arrived from the North, having been relieved by Pansa, and Cicero was to see Brutus at the latter's Tusculanum.[2] Details of chronology which Cicero requested from Atticus in town, show that Cicero himself was not quite ready to issue *De Finibus* as a whole. His friend, who was now pursuing publication and bookselling as an important business, was also an expert in chronology,[3] while it was a favorite pursuit of Brutus to prepare abstracts of Roman annalists, such as Coelius Antipater, or Fannius. Dolabella with the greater part

[1] Att. 13, 27, 1.
[2] Att. 13, 7, 2.
[3] On Tubulus' praetorship, cf. *Att. 12, 5, 3,* and *Fin. 2, 54.*

of Tullia's dower unpaid was returning from Spain, somewhat in advance of his chief. Cicero sent Tiro to meet him on his return. The secretary was to report to the Tusculanum by June 13th. (Att. 12, 5, 4.) At this time *Siron* (famous as teacher of Vergil, then twenty-five) was already a resident of Rome. He was a professional teacher of the Epicurean system. Cicero calls him "a friend of mine" (Fam. 6, 11, 2), not because he was of that sect, but because the Greek was a scholar and a philosopher. On June 16th the little circle at Cicero's villa in the hills was enlarged by the arrival of a new guest and an old friend, viz. the jurist Trebatius Testa who in the Gallic war had received preferment from Caesar on Cicero's introduction. Early in the morning on June 17th Dolabella came. (Att. 13, 9.) "Much conversation until late in the day," largely we may surmise, of the Munda campaign. What Cicero learned about young Quintus, was of such a nature that he shrank from putting it on paper himself, let alone dictating it to Tiro, but for the simple fact that everyone in Caesar's army knew of these things.

About this time Brutus had put away his consort Claudia and was intending to marry Porcia, the daughter of Cato of Utica. There is something enigmatic in Brutus, a great deal indeed. A beneficiary of Caesar's ever since the issue of Pharsalus and a willing recipient of large preferment at the hands of the Regent, he was really with restless study steeping himself in the Annalists who recorded the story of the earlier Republic, and was steadily filling his mind with the ideals furnished by Hannibalian or earlier times. Now no name in that generation was so intensely odious to the Regent as that of Cato. Cicero knew or predicted (quite correctly) that Caesar's reply to his own eulogy would prove to be vituperation. And still Brutus[1] was deliberately pursuing a veritable cult of his uncle Cato, a cult which now was to receive a social and most palpable confirmation in the proposed union with the Stoic's daughter Porcia. "What he wills, he wills strongly." He too wanted to become, or to be, a great man. (Plut. Brut. c. 6. sub fin.) By June 22nd Cicero had hastened southeastward to Arpinum largely to settle his rents from leased lands in that quarter. (Att. 13, 11.) For after Caesar's arrival from Spain, he knew that it would not

[1] I do not agree with O. E. S. in his work, p. 312 and p. 323.

be feasible for a while to absent himself from the sphere or neighborhood of the Regent.[1]

A literary matter of that same month of June. Varro had intimated to Atticus at Rome that he very earnestly desired to be commemorated by Cicero in some dialogue or other.[2] Varro in turn was willing to honor Cicero too by dedicating to him some parts of his treatise on the Latin language. The treatise De Finibus was already assigned: it was to be dedicated to Brutus, and he had expressed his acceptance of the honor to Atticus. So Cicero determined to recast his *Academica* (illam Ἀκαδημικῶν scil. σύνταξιν). He felt too that Lucullus and Catulus, while men well versed in the Greek culture of schools and life, were hardly qualified to appear as interlocutors in a philosophical discourse dealing with the Theory of Human Understanding; whereas Cicero's quarry, the books of Antiochos, could much better be expounded through the person of Varro. At the same time four books were to replace the two. On June 29th the remodelled work is announced as actually done. Curiously Cicero speaks very appreciatively of his Latin Antiochos, but indeed as being much more than a mere translation, "so that (in this kind of literature) not even amongst the Greeks can you find anything resembling it." They impressed him as *pretty keen* (*argutuli*). He marvelled a little that Varro, with all his vast production, had never yet dedicated anything to Cicero. (Att. 13, 18.) There was some loss then to Atticus, for the copying by his librarii of the first work had been going forward. The later work, or second draft, "will be more brilliant, more concise, more valuable." Dolabella was now importuning his former father-in-law to immortalize him too. A curious demand when we think of 47 B. C. and the scandalous news of Dolabella continuously reaching the homeless recluse of Brundisium. Besides Dolabella was now one of the most conspicuous Caesareans. These mutual courtesies of literary attention were after all merely accidental. Cicero was not, and needed not to be, a Horace or a Martial. With Varro were to be associated Atticus and Cicero himself. Never before, says Cicero, had he done what he did now, viz. that he chose contemporary living interlocutors, in these more eruditional (φιλολογώτερα) discourses. He reviews his procedure in his Treatise on the State (129 B. C.) and his three books de Oratore (91 B. C.). It is quite clear therefore, not only that this dialogue on the Laws was not published at all as yet, but that he deliberately omits mentioning it at all, this time. For there too his brother Quintus participated in the dialogue, whereas at the moment Cicero seems not to have held any serious intercourse with his brother at all. Done too at this time (with the chronological data revised) were the five books on the Aim of Living. About July 1st Cicero

[1] It was only now that Cicero's Ligariana had been published.

[2] Att. 13, 12, 3.

almost quarrelled with his truest and only friend, now his publisher also. (Att. 13, 21, 1.) "You, my dear Atticus, permitted Balbus to have copied the Fifth Book of De Finibus, before the work has even been formally presented to him to whom it was dedicated." But in Book V too Cicero had made a few changes by way of revision. It would not do for Brutus to receive a work that was like stale wine. On the same date the Second Academica had likewise been sent to Atticus for copying by his librarii, but this latter work, after copying by these slaves, is to be held by Atticus until Cicero himself could see Atticus personally. Caerellia, the elderly devotee to philosophy, was so enthusiastic about the Aim of Living, as noted above, that she had a complete copy made for her own use before the work was formally issued. It must have been made from the copy of Atticus, because the Tironian copy Cicero still had with him and took it along to his villa near Arpinum, in fact did not permit it to pass out of his own eyesight. And still all this authorship was mere bagatelle [1] to Cicero in his deeper mood.

July 2nd or so the recluse received a letter of condolence from Caesar in Spain, dated at Hispalis on April 30th. (Att. 13, 20, 1.) The Regent had lost his daughter some nine years before, while he was in Britain. Cicero had closed Tullia's eyes himself. By July 9th he was back at the Tusculanum; Varro called on him there, and at a time that Cicero could not but bid him stay. (Att. 13, 33, 4.) Cicero would not exactly tear Varro's coat to make him stay. A deeper intimacy or affinity between the two men did not exist. The conversation was about the extension of the capital, and the widening of its periphery decreed by the Regent even before he returned from Spain. The Campus Martius to be built up, the Tiber to be diverted into a new channel to go along the foot of the Vatican Hills, and the Vatican district to serve as the Campus Martius had served hitherto. No deeper intimacy then with Varro. But not even with Brutus either. The disposition and temperament of the younger and the older man were too different. We may also assume that Cicero, one of the foremost men of that generation, did not relish [2] the condescending manner of the junior. On July 10th the Second Academica were not quite done; the blunders of the copyists (librariorum menda) were being eliminated. The same revision was at the same time being bestowed upon the work of the *Aim of Life*. Marcus was in Athens, but the manner in which he squan-

[1] Hui, quam diu de nugis!

[2] Cum ita simus adfecti, ut non possimus plane simul vivere. *Att. 12, 23, 1.*

dered his allowance added to the father's gloom. He feels as though he now were entirely childless and bereaved, as one who had no one to whom he could leave his own.

Sometime during July 45 B. C. Cicero gave out his Treatise on the Human Understanding (the Academica) [1] and that of De Finibus. Of both editions, the Varronian and the pre-Varronian, but one book each survives. He felt painfully the non-positive, the volatile character, the essential scepticism of much of the Academic disputation. We must disabuse ourselves of much of our modern habits of criticism and valuation, would we do justice to Cicero. He was (we must urge and repeat it) a beginner and a pathfinder in such letters. But at the same time he claimed pre-eminence as the Prince of Latin Prose writers. His aim was not merely to outline, but to present in a luminous and thoroughly effective manner. He knew well too, that as far as the material interest in Greek thought was concerned, there was a certain *élite* of the Roman world that cherished these things in their original garb and form. That generation however was arrested by the fact that the thing could be done in Latin at all, and that it was done admirably by Cicero. Varro's edition was sent to him July 11th or 12th.[2] The gracious appreciation of Varro's erudition and authorship, and specifically of his research in Roman antiquities, is admirably done. In this treatise then the main point was the proper method of determining truth, and the allotment of this task to the various organs of apperception. Rome could not rival with Greece. She could only appropriate and transmit that which began to impress itself upon Roman culture as authoritative and important. Sometimes Cicero translates, sometimes he paraphrases, sometimes he is even content to leave Greek terms as they are. After all Cicero did a greater service to European civilization than if he had worked himself into exact discipleship of some particular one of the Greek schools. Dogmatic and proselytizing and fervid as Lucretius is, his service to the history of European culture is not so very different from that of Cicero after all.

As to the work *De Finibus:* [3] In a way we moderns might translate it as the Ideals of Conduct: the highest boons of Life, the highest good; what is true Happiness? In this work Cicero certainly had a theme more to his liking. The chief expounders are mainly of those who had passed away when Caesar returned from his last campaign. The subject was expounded by a spokesman of each of the schools (1, 11). "What is the aim, the end, the uttermost point, by which all designs of right living

[1] V. Introduction to the Edition by James S. Reid, London, 1885. — He swears he will never again undertake a job quite so tough as this one. Att. 13, 25, 3.

[2] Fam. 9, 8. Att. 13, 25, 3.

[3] Cf. *von Arnim, Fragmenta Stoicorum,* vol. 1, p. 125, and vol. 3, p. 1 sqq., particularly the definitions in fragm. no. 3.

and right action must be determined; what is it that Nature follows as the highest of the things to be sought, what it flees from as the uttermost of evils." Epicurean Ethics are set forth first. This system is most widely known, it counts the greatest number of sectaries. The spokesman for that school is L. Torquatus (1, 29). Here Pleasure and Pain are the basis for living and conduct. The Highest Good is to live agreeably (*iucunde vivere*) and wisdom is the art of so living. Virtue is not the highest Good; a mere glamour of a famous word, a fine appellation, nothing further. The odium attached to the notion of pleasure should not interfere with correct judgment. The specific virtues are defined in their coherence with Epicurean principles. Love of Justice, e. g. (50), is desirable for the subjective reaction which it produces: it calms the soul. Acts of injustice are evil on account of the psychological disturbances bound up with them and the social consequences. These greatly outweigh the fancied advantages of wrong-doing. The error of life is really this, that men are ignorant of the real sources of Pleasure and Pain. At bottom (62) the Epicurean position presents many points of resemblance with the Stoic, viz. in limiting appetites, destroying the fear of death, eliminating religious superstition and commending voluntary retirement from existence. Epicurus (71) is extolled as the great spiritual guide. His indifference to many forms of learning and science was due to this, that much of it, as he claimed, had no bearing upon, contributed nothing toward, the Happiness which he held out to suffering mankind.

In the Second Book Cicero in person analyzes and controverts the Epicurean morality, defining Pleasure and denying to it the designation of the supreme good. *Can* appetites be limited? Must they not be uprooted rather? How will you limit the greed of the miser, the sensuality of the adulterer? The fact is that (2, 28) when once Conscience as a principle is discarded, Pleasure will often be an adequate motive for the perpetration of any baseness. If the absence of Pain is the highest good, then we have no need whatever of positive pleasure. Epicurus [1] often holds up infants and animals also, as "mirrors of nature," with their instinctive attitude toward pleasure and pain. But man is born for intelligence and action, a terrestrial god, as it were, not merely to feed and beget his kind like dumb cattle. Cicero rejects also Carneades, the dialectic agnostic, whose lifelong task had been to controvert the Stoic dogmas. The moral good deserves commendation itself, categorically, without regard to reward or advantage (45). Should the life of the wise depend upon notoriety among the unwise? (50) Does it need the approval of the market place? Cicero's illustrations are largely taken from Roman history and from the courts of Law. He emphasizes motive and freedom as great elements in determining morality, true morality. We must not

[1] Precisely as does the zoological philosophy of modern times.

pass over a notable reference to Pompey (2, 57): It was in his power to be as unrighteous as he chose (i. e. on his return from the East). Irresponsible power is a great test for right living. He claims for Roman history (62) a number of men greater than he has even time to enumerate who practiced the highest form of virtue by self-sacrifice, whereas in Greek history men like Leonidas and Epaminondas were very rare indeed. The style of all this discourse is quite unmistakably that of the pleading lawyer.

Book 3 is presented as a discourse by the great Cato (of Utica) once held in the library of young Lucullus in the latter's villa at Tusculum, where Cicero met Cato surrounded by a mass of unrolled scrolls. For as in his period of residence at Cumae, Cicero was wont to browse freely in the fine Greek library of Faustus Sulla, so at the Tusculanum he drew freely on the resources of the young nobleman whose guardian he seems to have been. Cato is the spokesman of the Stoic school. The first thing to determine is what is agreement with nature[1] (20), what is worthy of preference of action (προηγμένον). Man has an essential direction towards the good: he must heed this, however. There must be concord between intelligence and action. Man has an intrinsic impulse (ὁρμή) towards reason. The good and the moral are convertible terms. Evil and the Base are convertible terms. Utility has no place in the determination of the good. The good is not liable to augmentation, it is not subject to relativity or degrees, it is absolute (34). Passions are really diseases of the soul. The morally good must not merely be contemplated, in an academic way: no, it must be actively sought. All material things are ineffably inferior to the splendor and the absolute glory of the Stoic Good, as the gleam of a lantern compares with the Sun, or a drop of honey dissolved in the Aegean Sea. All sins are equal. All forms of righteousness are equal. Large looms the category of the *Adiaphora*, i. e. the things indifferent in the determining of the morally good. The Stoics distinguish between[2] moral actions, acts of positive moral excellence (59 κατορθώματα) and duties (καθήκοντα). In the course of his exposition Cicero had Cato also discuss suicide. We need not urge the importance of the topic in the light of Cato's recent voluntary end. If the things which are in accordance with nature are numerous in the case of a given man, then the man's duty is to remain in life. But in the case of a man in whom the antagonistic outnumber the others, or seem to foreshadow what will be antagonistic, his duty is to depart from life. Universal Nature, i. e. the Eternal Design (73) of the Universe, must determine the individual life. Such insight is essential for determining boons and evils.

In Book 4 Cicero personally replies to the eminent gentleman and reviews the ethics of the Stoic school. Of course Cicero's attitude toward the school of Zeno and Chrysippus was vastly different from his consistent

[1] *Fragm. Stoicor.* vol. 3, p. 3, no. 6. No. 3 is taken directly from Cicero, 3, 23.
[2] Fragm. Stoic. III, 28.

hostility towards the Garden of Epicurus. His strictures deal with the specific points only. He cannot fully adopt certain ones of their tenets: e. g. that they abandon all bodily boons (26) and those things which are not in human control (οὐκ 'εφ' ἡμῖν), in determining the highest Good. Chrysippus, he insists, goes too far in his exclusive valuation of the soul in man. Are health and a sound body of so little moment? Wisdom's chief office is the culture of man (36). No part of nature should be neglected. Does the Stoic not actually lead us away from Nature? Zeno was really largely taught by the Academic philosopher Polemon. It is from him that he derived his *Principia Naturae*. The Stoics fail to determine the genetic point of duty and action. Whence does it arise? The most famous of the Stoic Axioms are these (55):

All who are not wise, are equally miserable.
All wise men are supremely happy.
All right deeds are equal.
All wrong deeds are equal.

Very fine indeed, but untenable! Cicero (like his preceptor Antiochos) claimed that many Stoic doctrines were identical with Aristotelian, in spite of great differences in terminology (72). In conclusion he deals with Panaitios (the friend and instructor of Scipio Aemilianus) and his divergence from the older Stoa.

The 5th and last book constitutes something apart. It is presented as spoken in 79–78 B. C. in the Academy of Athens, when Cicero made his eastern tour. It is a kind of reminiscence. It largely reproduces Antiochos [1] of Larisa. Motive, it will be found, attaches itself to pleasure (19) or to striving after a painless existence, or to the so-called primitive factors of nature, i. e. self-preservation, health, sound senses, strength, comeliness, germs of excellence, i. e. the striving for such. It is from the choice of motives that men will construct a theory of conduct and of the moral good or right. Pleasure (21) should be eliminated from this domain of decisive motives, for man is born for greater things than Pleasure, whose associations cannot but debase the *summum bonum*. Self-preservation underlies all. Nature shrinks from destruction even at the cost of great pain. (Philoctetes.) The chief factors for living well are bound up with the great or chief virtues, i. e. Prudence, Self-control, Bravery, Righteousness. These are indeed the factors of happiness. We seek that life which is fully equipped with the powers of body and soul. Most to be sought is the excellence of the highest faculties. Soul power therefore must be rated the highest of all. And here again the voluntary powers must be sovereign over those of mere endowment, i. e. the true virtues over the mere gifts. Slowly only, as life advances, do we become acquainted with

[1] Hirzel, p. 691 sqq. Zeller, Philos. d. Gr. 3rd ed. III, 1, 597 sqq.; also, *Antiochos*, in Wissowa.

ourselves (41). The highest nature and design of man is by no means clearly revealed to him from the first. It is very different with young serpents or ducks or thrushes, or the use of horns by young steers. Children are (43) apt to be moved by images of virtues. Sparks are these from which the reasoning reflexion of the philosopher ought to be kindled. In that tender age the power of nature is beheld as through obscurity. Nature merely begins, that is all. Attaining the highest accomplishment within our highest powers is the *summum bonum*, is absolutely precious *per se*. Pleasure certainly does not contribute to that development; or is merely an accidental accessory to that development. The Stoics have transferred (74) from the Academy not some one or two things, but have bodily appropriated the entire philosophy of the same, and as the other thieves change the marks on those objects which they have purloined, so they, in order to use our propositions as their own, have changed the terminology. Thus the Academy alone remains as the one worthy of those who pursue liberal learnings, worthy of scholars, worthy of renowned men, worthy of leaders, worthy of kings.

And Cicero, in his own estimation, belonged to the class of renowned men and leaders. Ancient culture, except in certain nobler sides of Stoicism, appears almost throughout as aristocratic. There was no all-embracing humanity until Christianity came into the world. Greek culture and original thought were almost senile when Cicero wrote. The vigor and freshness of Cicero's philosophical essays would, in my opinion, be rated even more highly, if his sources were still with us. The condescending toleration of many professional scholars (as e. g. Schanz) in uttering their opinion of Cicero is somewhat amusing. They deal with that extraordinary man and energetic intellect, as though they were meting out some academic valuation to a member of their *seminar*. "These philosophical writings were composed in a period of time, when the brilliancy of an ideal long considered imperishable was extinguished, and a new time arose amid the gales of a storm. For all men the Future appeared as a threatening spectre. The ground seemed to tremble under one's feet and no one was sure of the morrow. It was then that Cicero wrote his books on Duties, on Old Age, on the Highest Good, etc., books which do not throughout satisfy the expectations of a certain senile erudition, but were, by the best minds of that generation, not only read with admiration but received with reverential seriousness like a consolation long yearned for.[1] "

[1] O. Weissenfels, p. 23.

In the summer of that year Dionysius, Cicero's Greek reader (*Anagnostes*), ran away and escaped across the Adriatic to the country about Salonae and Narona, where Vatinius then governed for the Regent. The Greek had been entrusted with Cicero's library also, which had cost the latter much money. In going he had filched many scrolls and foresaw due punishment. Of this matter Vatinius had heard; it is puzzling that he bespoke Cicero's senatorial good-will, as though he was not fully aware of the fact that the dictator's will then dominated that moribund organism of the state. (Fam. 5, 9.) Brutus was on the point of going North to meet Caesar on his return from Spain. Cicero was anxious that the younger man's departure should not be interfered with. (Att. 13, 25, 2.) Perhaps Brutus in a way was to mediate between Caesar and Cicero, between the *Cato* and the *Anticatones*. About this time too Cicero was engaged in drawing up his testament. Brutus was to be one of the seven witnesses. On July 20th or 21st Cicero had heard from Atticus some new detail of the honors extraordinary voted to the absent Regent; e. g. the *Pompa*, i. e. the carrying on a wagon of Caesar's statue among the Roman gods at the opening of the *Ludi Circenses* (Att. 13, 44), in Rome at this time. He could not well avoid attending the senate, if he resided at Rome at all. And obviously as we know his dearest convictions, he had abundant reasons for not wishing to attend. From the Tusculanum on July 26th he went to his seaside villa near Astura, a charming possession.[1] It was very hot and he rested for three hours at Lanuvium. (Att. 13, 34.) The repayment of Publilia's dower was then the most pressing business in hand. Of course there was much gossip about this curious union, so very ill matched, and so abruptly terminated. At Rome, the preparation of games and shows to celebrate Caesar's recent victory of Munda. Balbus and Oppius were busily occupied with these. In the intimacy of a personal letter he refers to the coming games as, "The King's Shows." The members of what was considered as Caesar's coterie were of course very numerous, and each one almost had some suggestion of his own as to how the Regent's entrance into the capital should be as splendid as possible. In the waning July we hear for the first time that Tiro had begun collecting Cicero's letters. (Fam. 16, 17.) Tiro was then prob-

[1] Cetera noli putare amabiliora fieri posse villa, litore, prospectu maris, tumulis, his rebus omnibus. *Att. 12, 9.*

ably the best judge in the literary world as to what was genuine Cicero or Ciceronian, and what was not. The Regent's return from the West was steadily drawing nearer. Caesareans like Lepidus suggested to Cicero that he attend the senate on August 1st. (Att. 13, 47 B.) It would please Caesar very much. But the arrival of the chief personage was delayed and Cicero returned to his villa in the hills. As Caesar's campaign was ended, there was again more news and gossip of the malice of young Quintus. At wine-parties the young fellow, then twenty-one, had given expression to his hatred of his uncle: "Cicero might be dangerous to Caesar, did not Cicero perceive *that the king knew* that Cicero had no courage at all." (Att. 13, 37, 2.)

By August 4th the author had begun work on his *De Natura Deorum*, "contra Epicureos." (Att. 13, 38, 1.) Even in those fairly long days he was active before daybreak; he then retired to his couch once more, and finally arose with the sun. Young Quintus, upon returning from Spain, had demanded his own establishment and declared to his fond sire that he could not endure putting eyes on his father's house; why? Because it was the "mother's" hatred which made that home an intolerable abode for himself. Cicero now, it seems, blamed Quintus more than Pomponia. To his mother the youth wrote in terms full of filial devotion. (Att. 13, 39.) Recently the orator had become a coheir of the estate of Cluvius of Puteoli. Why could not the Praetor Urbanus at Rome dispose of incidental questions of procedure? Why Caesar and Balbus? (Att. 13, 46, 3.) Brutus on August 7th or 8th has returned from his meeting with the victor of Munda. What did the victor say? (Att. 13, 40, 1.) That he will devote much attention to the *good citizens*. (Clearly meant for Cicero.) That indeed would be good news! But there are no good citizens left. To meet them Caesar would have to hang himself and enter the realm of shades where they now are. Caesar also sent a judicious compliment to Cicero, about the latter's *Laus Catonis:* he had read it very often and had gained greatly in phraseology (13, 46, 2): a commendation of Brutus' Cato was appended. Dolabella is to make a visit to Tusculum, to give Cicero lessons in the proper manner of deportment which the author was to assume towards the Regent. The prospect of such schooling was very unpleasant to the host of the Tusculanum. (Att. 13, 47, A, 2.) How sensitive after all was Cicero still! Sorrows first, and tribulations succeeding

swiftly like the tides of the sea, troubles that cut down to the very bone and marrow of existence: now a veritable steeping of his better self in noble philosophical reading and digestion, reproduction; and still he was sensitive. All of the Regent's favorites treated Cicero with distinction but one, — which one? The Sardinian virtuoso and singer Tigellius [1] had withheld due respect or due homage. To think of it! that nobody! more pestilential even than his native island! (Fam. 7, 24, 2.) "It is a fine thing to hate some one without restraint." It was now time for Cicero to return Caesar's compliment about Cicero's Cato, and to compose some letter to the Regent: such was the suggestion of Balbus and Oppius. This letter (by copy) was first submitted to the members of Caesar's private cabinet, and unreservedly approved. Cicero aimed at avoiding adulation and still to write a letter which the Regent would read with pleasure. — Shall I go to Alsium (24 miles northwest of Rome, on the coast of Etruria) to meet and honor Caesar? Attention, ye schoolboys! The master is close at hand! The Catonians [2] are due for a lambasting! — Caesar seems to have arrived early in September. The Roman Games were probably the occasion of his first appearance before the people, no longer the *popularis* politician, no longer merely the first citizen, but the Regent, the "Invincible God" who was enshrined with the deified founder of Rome. If he considered the *Senatus Consulta* at all, then he could not well but conceive the so-called senate either as being in a state of abject fear or of willing and fawning servility and servitude, an instrument of his cabinet-minister Balbus. The essentials of monarchy had been bestowed upon him by the chief surviving organ of the so-called Republic. Dio Cassius and Suetonius and Livy call these honors excessive.[3] Caesar was not quite great enough, not quite emancipated enough from the glamour of his concrete ambition and from the baubles connected with impressive and crude parades, to have the thing managed differently for him during his absence. His creature Balbus lacked lucid political judgment. They all gained eminence and wealth from that service. The Mediterranean world paid for all these honors in the end. The choice and preference

[1] Confirmed by Hor. Sat. 1, 3, 3.

[2] Fam. 7, 25, 1: vereor ne in Catonium Catoninos — w. commentary by O. E. S. p. 355.

[3] Liv. 116. Suet. Caes. 76. Dio, 43, 45.

insisted upon by mercenary troops came to the front. By the epigones and heirs-at-law of the towering Julius it was erected into the chief factor of government and power. On Sept. 13th Caesar drew up his will in his Labicanum [1] and placed it in the care of the chief Vestal Virgin. In this instrument, as the Ides of March revealed, he bequeathed three fourths of his estate to young Octavius, the son of his niece Atia, one eighth to L. Pinarius, one eighth to Q. Pedius. In October Cicero wrote to a friend who had gone to the East to escape from war (Fam. 12, 18): "Here peace has ensued, but still such a peace, in which, were you here, many things would not delight you; things however *which do not delight Caesar himself;* for the civil wars always result in such a way that not only those things happen, which the victor wills, but also, that *they* must be humored, by whose assistance victory has been achieved. As for me, I have become so callous that at the Games of our Caesar I saw T. Plancus (Bursa) with perfect composure, that I listened to the Mimes of Laberius and Publilius." This was the occasion when the Regent compelled the Roman Knight Laberius [2] to act in his own folk play, a bitter social humiliation for Laberius, though mitigated through subsequent largess and immediate rehabilitation to his equestrian rank. Caesar amused the *plebecula* generously and in novel ways after the great decision of Munda. These shows had many other extraordinary features, e. g. a man of praetorian family and also an ex-senator and pleader appeared as gladiators. Cicero missed an intimate friend with whom he could laugh about these things. In public clearly it was not prudent. It was probably in November that the orator defended the absent king or tetrarch *Deiotarus* of Galatia.[3] The old Kelt's son-in-law and his grandson Castor accused the Galatian prince that he had in 47 after Zela, during Caesar's visit, plotted against the latter's life. This plea of Cicero's was delivered in the Pontifical Palace at Rome, one might say in a parlor: the inspiriting multitudes and publicity were absent, no Curia and Forum with their splendid associations, the vaulted sky above.[4] The discourse is replete with allusion to recent events and to the central figure of the civil war. His commendation by Cicero is so dignified and so carefully expressed (e. g. 33 sqq.) that one may

[1] Suet. Caes. 83. [2] Suet. Caes. 39. [3] O. E. S. p. 362.
[4] Actio maximae causae debilitatur loco, § 7.

even now accept and appropriate these judgments without change. Cicero had been well supported by the Galatian potentate during his Cilician proconsulate. He appeals to the nobler and finer feelings of the Regent, in whose honor (40) a temple of *Clemency* had been erected. And while he marshals once more the final victory over against Pompey's fate, he speaks of the latter with candid and noble appreciation (12): "Forgive him, forgive him, Caesar, if he (D.) yielded to the initiative of him whom we all followed: on whom both gods and men had heaped every form of distinction, and you personally the most and the greatest. For if your achievements have obscured the fame of the others, we have not, on that account, lost the memory of Cn. Pompey."

The year was drawing to an end. Cicero, partly perhaps to escape the din and uproar of the Saturnalia, had gone down to his Puteolanum. Caesar came down likewise: partly to visit the mother and stepfather of Octavius (then studying in Epirus), whose designation as heir was unknown even to those nearest to the youth. Caesar arrived at the Gulf of Naples with a large escort, some 2000 troops. Special pickets were assigned to Cicero's estate, to protect it from intrusion by the soldiery. On December 19th Caesar admitted no one, while going over financial accounts (probably) with Balbus. He then took a turn on the beach. After this a bath. Then he heard of the death of Mamurra, his old chief of engineers. No one could notice any change in the Regent's countenance at this news. After being rubbed down, he took dinner with Cicero. Being then under a regimen of periodical emetics he ate and drank with great freedom. There was an elaborate menu. The viands for his social attendants and companions were finer than for the retainers of humbler degree. Caesar did not assume any superhuman attitude, but was natural. "There was nothing serious in the conversation, talk on many topics of technical scholarship. Why, I tell you, he had a good time and he enjoyed it." (Att. 13, 52.) When the body of troops went by the villa of Dolabella, they all were marshalled on the left and the right on both sides of Caesar's steed, for an honor to Dolabella: nowhere else.

Soon Cicero was back at the Tusculanum. Young Quintus was on the point of running away from his —— debts. He actually called on his uncle Marcus, for counsel. What shall

we marvel at more, the nephew's brazen assurance, or the uncle's patience?[1] On the Kalends of the New Year, the augurs, and so also Cicero, were to attend on Lepidus for the inauguration (*effari*) of the temple of Fortune.[2] On December 31st the consul Fabius Maximus died. An "Election" was held at once, and about 1 P. M. Caninius Rebilus was returned as new Consul. Cicero was bitterly annoyed at the manner of Caesar in going through the forms of the Republic, while bestowing personal favors. (Fam. 7, 30.)

[1] Att. 13, 42. [2] Dio C. 44, 5.

## CHAPTER NINETEEN

### *THE IDES OF MARCH*

Cicero took some official part in things official and in functions, but it went against the grain; he felt a kind of humiliation. (Fam. 7, 30, 1.) The veneering of absolute government by republican forms was galling to Cicero's deep-seated convictions and habits of life. True, he had his Tusculan villa, "the port of philosophy," a haven after so many storms and shipwrecks of the political sea. That he had, and he had his faithful Atticus. These were his consolation in the wrecks of life and time.

While the clouds of treason were gathering above the head of the Regent, Cicero more than ever devoted himself to still further exposition of philosophical themes in Latin speech. Cicero was not asked to join the plotters against the dictator's life;[1] Favorinus too was omitted. Perhaps Cato himself would have refused to join had he lived.

The *Tusculan Disputations* were probably begun soon after the main work on *Academica* and *De Finibus* were concluded, in 45, but it was only in 44, but before the Ides of March, that they were concluded. The absence of correspondence with Atticus seems to prove, that in the new year, the last of Caesar's life, the two friends lived not so far apart, the Arpinate on the Palatine, and the Financier in his Caecilian mansion on the Quirinal. It is only after the Ides of March, that Atticus exchanged notes with the author. On May 18th he replied to Atticus' commendation of the first book. (Att. 15, 2, 4; 15, 4, 2.) If Cicero had been invited to become an accomplice in the great plot, it seems psychologically incredible that he should have gone on in these months with unfaltering devotion dictating to Tiro, whose speed must have approximated that of a modern shorthand writer. The Fragments of the Stoics, now gathered by von Arnim, make it very improbable that a conclusive thesis as to the sources ever can be established. At bottom it is quite immaterial. Cicero was then and had been for some time living in an atmosphere of resignation at almost all points of life. He was too old to be a dogmatic disciple of any individual person or school. He never had been, and there was too much of the advocate in him for such rigid demeanor. I rather think we

[1] Plut. Brut. 12.

should conceive the whole problem somewhat in this way. As a virtuoso and lover of music will seek a score which is in harmony with his prevailing mood or drift of emotion, so Cicero selected material which either mirrored the life of his soul then, or which had some affinity with his predominating train of sentiment. He appropriated what was germane to these latter aspirations of his soul. His consciousness was the mental chamber of one who was done with life and living, in the main. Later in this year Cicero wrote a summary of the work in these words:[1] "The Books of the Tusculan Disputations disclosed the things most necessary for happy living. For the first deals with the contempt of death, the second with the problem of enduring pain, the third with the moderation of sorrow, the fourth with the other disconcerting emotions, the fifth teaches that for the purpose of happy living, virtue is content with itself." In writing such books, Cicero for himself personally claimed a few things at least (1, 6); "to arrange his matter and to illumine it and to attract the reader by a certain pleasure." It is "an old man's piece"[2] spoken in the rhetorical schools. The style of course is often more oratorical than expository. It could not well be otherwise. He does not avoid entirely matter of the recent past. "Wretched for instance, you say, is Crassus, who lost the control of that wealth by his death, wretched also Cn. Pompey, who was bereft of such renown."[3]—It was the afternoon of the Ancient World, and there is always in evidence and recurring the doxographical bent of that time, the survey and enumeration of the theories of the leading thinkers, e. g. as to the essence of the soul (119 sqq.), and the bristling differences and the divergences of sects and schools. Cicero as in his Dream of Scipio[4] inclined not a little to the Platonic view of these last and transcendental things; the Phaedo, or the Phaedrus. Really there was nothing new here: a kind of civic immortality, a sort of celestial reward for terrestrial effort in public life, views which Cicero had long[5] cherished. "Nobody would ever face death in behalf of his own country without great hope of immortality. Themistocles had the choice of leading a life of leisure, Epaminondas had the choice and, not to look for ancient and foreign illustrations, I had the choice, but somehow there is in our minds a certain augury as it were of things to come, and this comes to the surface most and appears most easily in the greatest minds and in the loftiest Spirits." He read Dicaearchus much, but was disgusted with the latter's denial of immortality (1, 77). Immortality is a postulate, a comple-

[1] De Divin. 2, 1, 2.

[2] *Tuscul. 1, 7:* ut enim antea declamitabam causas, quod nemo me diutius fecit, sic haec mihi nunc similis est declamatio. Cf. Quintil. 8, 3, 54.

[3] So too Cato of Utica, 1, 74. The splendid passage on Pompey's severe ailment before the outbreak of the civil war: *Tuscul. 1, 86.* Cf. 1, 90.

[4] Referred to as *Platonic.* Tuscul. 1, 53.

[5] As in *pro Archia.*

ment, of the elemental craving for fame. Cicero was really, in his deepest strivings, an anti-materialist (51, sqq.). If death is a mere intrinsic negation, then also there cannot be in it a sense of want (1, 88 sqq.). Theramenes as meeting death, victim of Critias and the Thirty Tyrants, or Socrates awaiting the hemlock, our Tusculan essayist transcribes more directly from Xenophon (96) and from Plato (97). But the Roman annals are much richer in such characters. He cannot even here forget his beloved daughter. This book is a kind of Second Consolatio (111): "You have granted to me, that the dead were in no trouble, but on that account I exerted myself to say more, because in yearning and grieving this is the greatest consolation. Our own pain and that brought on us on our personal account, we ought to bear with moderation, lest we seem to love ourselves, it is that suspicion which tortures us with intolerable pain, if we hold that those of whom we are bereaved, are attended with some consciousness in those troubles which the world at large believes in. I wished to remove this opinion from out of myself by the very roots, and on this account I dwelled longer on this subject."

Before the Ides of March too the Essay on the *Nature of Gods* or a Philosophy of Religion was completed. As early as July 45 he had requested Atticus to send him Phaedrus περὶ θεῶν (Att. 13, 39, 2) and another kindred book. How moderately and appreciatively does he refer to Caesar (1, 7): "For when I was languishing in default of an occupation, and such was the condition of public affairs, that it was necessary for it to be directed by the counsels and concern of a single man," and he does not seem to have cared to revise this passage in publication or for publication. First the Epicurean Velleius surveys the views,[1] beginning with slurs against Plato's Timaeus and the Stoics. For the latter were champions of a Providence (18) and of a universe essentially rational, nay of an immanent deity. Of course Cicero used some survey furnished perhaps by Phaedrus' work or as some think, of Philodemus the contemporary Epicurean. It does not greatly matter. There were then no cyclopaedias, and the mere mechanical labor of consulting many scrolls at one time was very great. This survey then of doctrines is brought down from Thales to Socrates, Plato, Antisthenes, Aristotle, and further to Chrysippus. Cicero is not without some faculty of characterization: Velleius assumes everywhere a superior and contemptuous cleverness, which Cicero had probably often met with in adherents of that sect and which he disliked and resented: your materialist always seems to have the world of experience and actuality entirely in his favor. The dogmatism of the Garden looked upon all other thinkers as mere babblers and dreamers (1, 42). Incidentally the religion of the "poets" is condemned in scathing terms, it is the mass of myths presented from Homer and Hesiod

[1] *Diels, Doxographi*, p. 531. The most valuable edition of Cicero's work is that by Schoemann.

onward,[1] really the topical legends and tradition of the Hellenic world. Cicero, we know, had no sympathy with the crude anthropomorphism of the Greek Epic. In the further exposition of that materialism Cicero curiously enough never mentions Lucretius at all. Now Epicurus did believe in gods immortal and of absolute felicity, and therefore untroubled as to the concerns of perishable men.[2] The host, Cotta, now (57 sqq.), reviews the chief tenets of Epicurus: Atomism, the theory of perception, the Swerve, the equilibrium of supply and loss, and sharply censures the mechanical iteration and recitation of the master's "chief tenets" (κύριαι δόξαι) followed by the school. Cotta also regrets the traditional approximation to man in the popular representation of divine beings. Perhaps Epicurus left over his shadowy gods from fear of being charged with Atheism by the Athenians. Furthermore Euhemerus (once translated by Ennius) is brought forward (119). He explained all gods as men who once had lived among their kind, and died, and been subsequently deified by the later generations.

In Book 2 Balbus presents the Stoic doctrine.[3] It is for us to-day in many ways a precious document, for it records that of which the remnants elsewhere are but slender fundamental theses by Cleanthes, by Chrysippus and other Pillars of the Porch. Here too things may be briefly stated. That Great School firmly held that in all the sequence and interaction of this visible world there was design, reason, wisdom.[4] Man is the apex and final cause of creation. This world (cf. Leibnitz) is really not only not very bad, but very good, and while man is rational, the Universe, surely greater than man, cannot be deemed irrational. God is law, and he is his own law. The Universe is also Providence. A material substance too is this deity, which is immament in (διήκει) the world, as honey fills the cells. Of the Deity there is in man a presentiment, a notion primal and innate. We conceive God, because we are so constituted as to do so: to think him is a corollary of our being. It seems that Cicero's simple translation of πρόνοια as *Providentia* was the first conspicuous Latinization of that term. The other important matter of this Stoic book is this. The Stoics, while utterly abandoning the anthropomorphism of Homer and Hesiod and popular religion,[5] still in a certain way strove to maintain or conserve the chief figures of that Hellenic Olympus. They did this however in a kind of scientific way, recognizing them as Physical Forces. Here

[1] Cf. my *Testimonium Animae*, chapter 3.

[2] Diogenes Laert. C. X. Usener's Epicurea.

[3] Von Arnim has taken some of his bulkiest citations from this book, *Stoicor. Fragm.* I, p. 41 sq. Cf. Diog. Laert. C. VII.

[4] Zeller, III, 1, 3rd ed. p. 173: "Sind sie nächst Plato die Schöpfer der sogenannten Theodicee geworden."

[5] On which Pausanias the Periegete contains the largest body of valuable information.

they surpassed themselves in etymological speculation. There is one God [1] but there are also many concrete forces of nature, which mankind has found to be beneficent. In this spirit Zeno interpreted Hesiod's Theogony. Kronos is Time, in Latin, because 'filled with years.' Jupiter is the gleaming firmament above (hoc sublimen candens, Ennius); similarly are explained Juno (*aer*), Neptunus, Portunus, Dis, Ceres, etc. It is not always easy to see where Cicero is a mere relator, a mere adjuster to Latin expression, and where there are brought forward things dear to his own deeper conviction. Such we may confidently recognize, e. g. (93), where he argues for design in the creation of the world, against the Epicurean thesis of fortuitous concourse of atoms. "I do not understand how he who deems this possible, should not hold the same, if innumerable forms of the twenty-one letters, of gold or any other material, were thrown somewhere (into some vessel), if they were poured upon the ground, could the Annals of Ennius be made so accidentally that they could be read in sequence?" Divination also belongs to the Stoic position.

The Third Book contains the Academic critique, by the host, of the Stoic theses. Is this Carneades? Or the manner of that anti-dogmatic analyst? Nothing material, no organic being in fact can be imperishable. The perfection of the Universe does not entitle us to infer that it is rational or animated. If the periodicity of stellar movements imply the divinity of the constellations, how about the destructive tides of the sea, or what of the fever and ague of human suffering? Euhemerism also is rejected (60). Stoic exegesis, it is claimed, robs the Olympus of all divinity. (The controversy directed against the assumption of a Divine Providence is lost.) Reason cannot be considered divine, for men do often make but evil use of it. Prosperity of the wicked [2] is a familiar observation, and incompatible with a divine Providence. Cicero, not long returned from his Eastern Tour, in his earlier manhood, is a mere auditor in the dialogue, but he intimates by a line at the very end that the Stoic position, with its positive and spiritual assumptions, appealed more to him than the others.

In such nobler pursuits did Cicero spend the winter of 45–44, and the early months of Caesar's last year. It may be well however to dwell briefly on the incident of the offered diadem, on the *Lupercalia*, February 15th, 44. This occurred not long after Caesar's harsh treatment [3] of the Tribunes Caesetius and Marullus. Appian says that Caesar himself intimated to his

[1] The Neoplatonists, such as Porphyry, took this up, as the scholia to Homer abundantly show; likewise we observe it in Servius' Commentary on Vergil. Cf. E. G. Sihler, *Serviana*, Am. Journal of Philol. 1910. Cf. The books of Preller-Robert, Fairbanks, Schoemann, Wissowa, Carter.

[2] Cf. Psalm 73.

[3] 13 Phil, 31. Dio, 44, 10.

private cabinet that now he had given a handle to his enemies.[1] But he refused to reestablish his Spanish body-guard. There was nothing more wretched than incessant and perpetual watching and apprehension. Did Cicero witness the incident himself? Did he reside at his Palatine mansion at all? Or did he maintain his Tusculan residence with rigid consistency? Cicero certainly, writing in the autumn of this very year (2 Phil. 85) describes the entire scene of the offered and rejected diadem with great liveliness as though he had witnessed that curious spectacle himself. "Your colleague (Caesar) was sitting on the Rostra, garbed in the purple toga, in his gilt armchair, with the wreath on his head. You ascend, you approach his chair; you present a diadem. A sigh over all the Forum. Whence the diadem? For you had not picked it up, after some one had thrown it away, but you had brought from home a criminal design which you had planned and thought over. You kept placing the diadem on his head, he with applause kept declining it. But you even desired to gain pity: you went on casting yourself at his feet. But he even ordered it to be entered in the Fasti, on the date of the Lupercalia, that the consul Mark Antony by mandate of the Roman people offered royal power to C. Caesar, Dictator for life, but that Caesar was unwilling to avail himself of it."[2] I omit all the passionate anger of the orator. But in this biography we must note, that the concerted attempt to invest the Regent with an Oriental emblem of irresponsible and absolute monarchy was one which cannot but have roused the recluse to veritable fury. This was still so some eight months afterward: how intense must Cicero's anger have been at that time!

Caesar was indeed the master of Rome, Italy, the Empire: he exercised domination, and still the name, any name or term resembling that of Master (dominus), was intolerable to Roman sentiment. Things had moved fast, but not quite fast and far enough for such a formal title. The towering Julius was immensely strong at this time, and it is an element of greatness in his nature that he was not more suspicious. Was it the Spanish guards that had attended him to Puteoli?

As to the inner activities of the great plot against the Regent's life, probably not even the men of that time ever gained an insight

[1] Appian, B. C. 2, 109.

[2] Cf. 13 Phil. 17, 31; cf. also Sihler, *Annals of Caesar*, 256 sqq.

satisfactory to all parties, or to any party. One of the last practical matters that brought Cicero and the Regent together was this, that the latter consented to except Buthrotum and so also the fine estate of Atticus, near by, from confiscation or from assignment to new Italian settlers: Cicero calls them *agrarii;* we see that it had come to be a government by the Regent's decree. (Att. 16, 16, C, 11.) As to the plot then of which Cicero knew absolutely nothing, so much is clear that the initiative was not with Brutus, but that the latter was drawn in by Cassius with delicate psychological skill. *An accurate enquiry into the available evidence was not made at the time when it could have been made best, i. e. immediately after the deed,* the amnesty of which presently smothered all official or governmental action at that time. It was not until the *Lex Pedia* after September 22nd of the subsequent year, that available evidence was officially taken down. There was then no one to represent the absent defendants, nor to analyze or controvert the evidence actually brought forward, a time when the sympathizers,— what a vague and elastic term! — were indicted not less than the slayers themselves. (App. 3, 95.) [1] The data then officially spread on the minutes (inclusive of the twenty-three wounds) by the administration of the Regent's young heir seem to appear in the current relations of antiquity, particularly in Nicolaus of Damascus, who in time seems to have gained a pleasant personal relation to Augustus himself.

The general survey of that historian impresses one in a lasting way: perhaps he was equipped by his imperial patron directly. When however we come upon Caesar's "natural simplemindedness" (chap. 20) and sincerity, as lending itself easily to the designs of his enemies, i. e. in believing that the Honors (given by the senate to Caesar) had been prompted by a sense of justice and equity,— then we may utter some doubt. "Caesar really believed those," says the courtier-historian, "who uttered eulogies." The most adroit and versatile man in politics was Julius Caesar. He knew the power of the sword, if any man in ancient history. But he too knew of the venality of most men in public life and all the scale of prices, better than any other Roman, unless we except Pompey and the financier-politician, both then dead. The way Nicolaus delineates Caesar's character in connection with the impending catastrophe probably was the way

[1] Cf. Dio, 46, 48.

Augustus had come to conceive it or liked to have the matter conceived or presented by his own contemporaries; "*Caesar, on account of his almost incessant foreign campaigns, had no experience in political manipulation.*"[1] Nay, no one more so, although he had largely operated through agents residing in Rome, and giving audiences to minor politicians, during the inclement season, at Ravenna and elsewhere. How could Nicolaus pen such words and merely *think* of Luca? No man in the end is well advised by those who at bottom are his creatures, who owe him everything. They had indeed urged him to reestablish his Spanish body-guard. I cannot desire to belittle him. One has not a little reason for saying that his magnanimity proved his destruction. Perhaps one may add also that his contempt for his own generation was one of the chief causes of his ruin. There are[2] scholars such as Ludwig Lange, who suggest that there was at this time a certain insidious failing of Caesar's nerves. It was known that Caesar was subject to fainting fits, apart from occasional fits of epilepsy. Quite apart from such weakness it is entirely probable that his own experiences with his own generation had filled him with a certain contempt, whether of the popular party which he had so long used and controlled, or for the oligarchy which he had consistently, from first to last, opposed, defied, humiliated and defeated, and furthermore this contempt, in his powerful and creative mind, extended to the constitutional fabric of which indeed his own achievements and career had left but a mere shadow. In the mind of the new monarch indeed the monarchy was an accomplished fact and a mighty reality. This may explain utterances of the Regent recorded by hostile political writers and pamphleteers such as T. Ampius Balbus, recorded probably soon after the Ides of March. "The government was nothing, a phrase merely, without body or form. Sulla did not know his A.B.C.'s for resigning the dictatorship." (Suet. Caes. 77.)

Was Cicero present in the Portico on that day? Did he witness the dastardly deed? or was he even then in the Alban Hills, engaged with his ever new books? Probably not. If he had been, then Brutus' rushing out and shouting Cicero's name at the top of his voice[3] would have been somewhat unmeaning.

[1] ἄπειρος πολιτικῆς τέχνης.

[2] E. G. S. *Annals of Caesar*, p. 248.

[3] *Phil. 2, 28. Dio 44, 20,* τὸν Κικέρωνα συνεχῶς ἀνεκάλουν.

Still there are those who think Cicero witnessed the deed himself. If so, then the act of Brutus was merely spectacular, to influence public opinion, for the author of *De Republica* was the representative *par-excellence* of the constitution and of the older Republic. In a moment the inner city was in the throes of a panic. Some of the Regicides (we may call them so) put a freedman's cap (*pilleus*) on a lance, to symbolize the act of manumission.[1] The general public too poured out of the theatre of Pompey, where a show of gladiators had been going on. Brutus and his fellow heroes at once assumed the attitude and the claims of Tyrannicides. But they were not so sure of their own hide. So, after holding a *contio*, avowing their desire to render thanks to the tutelary deities of the commonwealth, they hastened up the *clivus Capitolinus*, and held that castle. They were attended by slaves and gladiators who were to serve as a garrison of the Capitol. Their first act seems to have been a part, the ulterior part, of their programme. (Nicolaus, 25.) They had feared and were now more than ever fearing Caesar's soldiers and Caesar's veterans. One of the senators who had not shared in the deed, and was no accomplice, is said to have uttered these words over the corpse, "Enough of the serving a tyrant!" Brutus and the other regicides were wise in establishing themselves in the *Arx* of Rome. For Lepidus that night occupied the Forum with troops. These, a legion, had been stationed on the island in the Tiber. Thence Lepidus had first marched them to the field of Mars.

There is not merely a noteworthy but a heavy agreement here between Plutarch and Appian (2, 119), e. g. that certain men who had not shared in the deed, were eager to be embraced in the reputation of having so shared, and that later these craven spirits were overtaken by due retribution. Cf. Plut. Caes. 67; also with Dio, C. 44, 20. The palpable pro-Antonian strain in Appian may be said to begin here and to go on without change or variation. Is it not the simplest solution to assume that this pronounced partisanship is due to a pronounced partisan of Antony, to wit, Asinius Pollio?

The tremendous excitement which followed upon the deed is certainly mirrored by a brief note which Cicero sent to one of the assassins, L. Minucius Basilus, one of the most contemptible of that noble band as regards motive. (Fam. 6, 15.) "I con-

[1] Appian, 2, 119.

gratulate you, I rejoice for myself, I love you. I am looking after your interests. I desire to be loved by you and to learn what is going on." Probably, Cicero meant, on the Capitol. No better proof than this of the sensational surprise under which the author and devoted Republican was then laboring.

## CHAPTER TWENTY

### *ANTONY AND OCTAVIAN*

During the night the Regicides remained in their stronghold. Antony at first was in mortal terror, believing that he was to be the second victim. As soon as possible Antony, recovering from the first panic, as senior consul removed the public funds in Caesar's house (the *Regia*) and those in the temple of Ops into his own mansion in the *Carinae*, where the splendid vestibule was still adorned with Pirates' prows, memorials of Pompey. The funds in the temple named amounted to the enormous sum of 700 million sesterces ($30,800,000) according to Cicero, and the official accounts. (Phil. 2, 93.) He also acquired the papers of Caesar, which Calpurnia, acting it seems with her father's consent or counsel, willingly handed over. Antony with prompt resolution and impressive swiftness of action went about his great task, which was nothing less than to seize the purple of the fallen Regent, as far as circumstances permitted and so to mould and modify circumstances further on that they might permit. Two things dominated the soul of Antony, a wild *wantonness* of appetites and a lust of power; his very ingenium was more oriental than Roman. He made a vigorous beginning.

Cicero in the night of the murder paid his respects to the occupants of the Capitol. (Att. 14, 10.) He loudly demanded that the senate should promptly be summoned to that very spot. Summoned by whom? Dolabella, designed for the next vacancy of the consular office by the Regent and probably the most youthful and unbalanced holder so far recorded for that office, had on March 16th at first avowed[1] his complete sympathy for the slayers. The first afflatus of feeling seemed to favor the conservatives of Rome. Cicero extolled the Regicides to the sky, nay to Olympus. No words, no eloquence, could do justice to their imperishable deed. So at least he felt. (Att. 14, 14, 3.) It was a time of feeling. For March 17th, the Liberalia (exactly one year after

[1] *App. 2, 122* indeed suggests that this was a pretense on the part of Dolabella.

Munda), Antony called a session of the Senate by *edictum*, to meet in the temple of Tellus. (App. 2, 126.) This place was pretty near his own house. He did not dare to enter the curia at the foot of the Capitol. In the night before[1] a conference of Caesareans had been held, probably at Antony's. Lepidus was for immediate war on the slayers, Hirtius advocated composition and compromise. Decimus Brutus, one of the Regicides, had conferred with the old confidant of Caesar, and we see that even then Antony knew his ground pretty well. Neither the general populace of Rome, nor the Veterans, a very powerful body (many then awaiting assignments of land in Rome), could be brought to support or even to approve the deed, perhaps not even to condone it. The only points of military support visible from Rome, for the Regicides, were rather distant: Sextius Pompey in Spain, and Caecilius Bassus in the East.

In the temple of Tellus then met the senators specially summoned, met probably before daybreak. Cicero attended but unwillingly. Phil. 2, 88; Plut. Cic. 42. Antony, long inured to camps and military life, had placed soldiers at the portals. In that memorable session it was Cicero, "who laid the foundations of peace," applying the precedent of the Athenian Settlement, i. e. the Amnesty of Thrasybulus, after the fall of the Thirty Tyrants, in 403 B. C. (Xenophon, Hell. 2, 4, 43) App. 2, 135. There is to be no prosecution of Caesar's slayers. On the other hand, and this was Antony's demand, the acts of Caesar were to stand. Antony was then in possession of Caesar's papers. So too therefore the land assignments for Caesar's veterans were to be carried out. It is curious that in all the relation of that debate, and the settlement of a civic peace, Appian or Appian's source (Asinius) mentions Cicero but slightly, while Dio (44, 23 sqq.) presents an elaborate discourse by the orator. Whenever Dio deals generously with Cicero, it is probably not Dio whom we read. In the present case probably Livy. Some editors of Cicero assume that Cicero published the speech. It seems wise to set down here an outline of what we read in Dio Cassius.

"There is no mandate of military power to direct your deliberations. You are free to debate, free to act. Put aside bickerings and feuds. We know the ancient curse of division, two hostile camps within[2] the commonwealth. Review the prece-

[1] Nicolaus, 27. O. E. S. Neue Jahrbücher, 1884, 334–37: also, by the same author: *Die letzten Kämpfe der Röm. Republik*, 1884, p. 679: "So hat Nicolaus allein von allen Gr. Autoren eine richtige Zeitstellung der ersten Tage."

[2] Precisely as in the introduction to his De Republica.

dents of our own history, recall Saturninus, Glaucia, the Gracchi. You must cease examining my discourses as mere types of style, as so much Rhetoric, but examine the problems of the common good. I present to your attention the act of amnesty at Athens, a state from which our sires (in the XII tables) derived some laws. It was after this act of Amnesty that Athens regained peace and order at home, and power and prestige abroad. No retribution, no retaliation! It is this which breeds ever new trouble, ever new bloodshed. We have ample records to prove my contention: Marius and Sulla, Cinna, Carbo, the futile rising of Lepidus (78 B. C.). Within our own political memory lies the history of Sertorius, of Caesar and Pompey, of Catiline, of Clodius. After Pompey's death there has been no end of trouble, in Africa, in Spain, but never any genuine peace. A vicious cycle it has been, moving from violence to violence, while the measure of revenge has been determined by passion and power. It has been a regular sequence of terrors. Meanwhile, amid all these vicious gratifications of private feuds and private passions, the commonwealth has been ruined. What atrocities have not been perpetrated! Think of the expense also of this fratricidal internecine warfare. Even temples have been rifled. Think of the cruel destruction of senators and of knights, men of the greatest families in the annals of Rome, Gracchi, Curtii, Fabii, Marcelli, Scipios! As though human beings had yielded public life to wild beasts. The only remedy for the future is — amnesty. We are here to deliberate, not to sit in judgment, to provide for order and security. Some things there are which we must overlook, as we do with children (c. 32). We are indeed the Fathers of the people. Some things might be charged against Caesar himself, some against his slayers. But if we enter upon this matter, we cause a fresh civil disturbance. We must look back on all of it as one does on hail or rainstorms. It has come down and is over; now for harmony. Let me tell you one thing (c. 33): do not believe that I assume this attitude because I once was on Pompey's side. My likes and dislikes were never determined by personal considerations, but by the regard for the common welfare. Let us maintain then the honors, offices and gifts bestowed by Caesar, without any review or examination of individual worthiness." Servius Sulpicius moved that no decree of Caesar granting some immunity or other favor should be posted after March 15th, i. e. not at all.

How little Plutarch gained a closer vision of things is evident from certain chronological inaccuracies. In his Antony 14 he relates the dinner given to Cassius by Antony, and to Brutus by Lepidus as preceding the Tellus session, whereas in his Brut. 19 the matter is stated correctly, i. e. after the settlement, i. e. on the evening of the seventeenth. Appian's numerous blunders and inaccuracies in chronological matters are pointed out in detail by Carl Peter in Philologus, 1853, 429–438.

Perhaps it was on the eighteenth that Antony conducted the funeral of the Regent in such a way as to make capital for the representatives or successors of the slain ruler and in a measure to begin to nullify the Amnesty. Cicero of course [1] called the funeral outrageous, when the will of Caesar was read, with a liberal donative for every citizen. When they learned that the assassin Decimus Brutus was actually named in the will as heir (*secundo gradu*) the populace was strongly stirred both to deep pity for the slain Regent and to furious anger against the Regicides. In his funeral discourse the consul first [2] read out the S. C. and the plebiscita which had been passed in Caesar's honor, with a gloomy face and with special emphasis on every point. He recited also the oaths which had been taken to guarantee Caesar's security, in which those were cursed who did not come to Caesar's defense. Antony added bitter slurs against the senate. — "Let us now escort the sacred one, to bid him farewell to the abode of the Blessed." One of the most effective scenes in this critical public function was this: a wax effigy of the slain Regent was raised and by mechanical contrivances turned in all directions (App., 2, 147): the twenty-three wounds on the body as well as on the face were displayed to the populace. Thus the mob was so infuriated that they tore in pieces an innocent man, Helvius Cinna, whose name was the same as that of the praetor who had made himself odious through an utterance about the slain Caesar. Antony played a double game, for in the Senate on March 18–19 and further days he caused or permitted a S. C. which abolished the institution of the Dictatorship forever,[3] without debate. For a very short time Cicero felt as if that fairest and fondest of visions, the old Republic, were resurrected from its grave and entering upon a new life. But the Arpinate

[1] 2 Phil. 90. Cf. Att. 14, 10, 1: At ille etiam in foro combustus laudatusque miserabiliter servique et egentes in tecta nostra cum facibus immissi.

[2] App. 2, 144 sqq. Plut. Cic. 42 closely agrees with Appian.

[3] *1 Phil. 2; 2 Phil. 91 Liv. 116.* Dio, 45, 51; 45, 24; 46, 24; 47, 15. App. 3, 25.

soon began to perceive what Antony really would be, viz. not a restorer of the republic, but Caesar's heir. Soon Cicero forsook Rome and sought his villas in turn, resuming his alternative of living, viz. authorship.

He completed a work, the first book of which was done before the Ides of March. This was the Treatise De Divinatione, on the Mantic Art, or Divination, evidently (in the Stoic system at least) a kind of complement to, or corollary of, *De Natura Deorum*. It was furthermore also elicited perhaps by the lively interest which Cicero took in this sphere of popular belief and practice ever since he himself had been taken into the Augural College. The first book in the main presents the Stoic Doctrine,[1] most of it, von Arnim thinks, ultimately derived from Chrysippus himself. Divination then is the power which perceives, sees and expounds the signs which are vouchsafed by gods to men. This in the Stoic system of thought is closely connected with their belief in Providence (*πρόνοια*).[2] Cicero thus expounds the fundamental thesis (1, 82):[3] "If there are gods and they do not in advance indicate to men what is going to happen, they either have no affection for men, or they do not know what is going to take place, or they think that mankind has no concern to know what will be; or they do not hold that it befits their majesty to foreshadow to men what will be, or the gods themselves are not able to signify this to men. But neither do they not love us, for they are beneficent and friendly to the race of men, neither do they fail to know what has been determined and mapped out by themselves, nor are we without concern to know those things which are going to happen, for we will be more guarded, if we shall know them; nor do they deem this foreign to their majesty, for nothing is more eminent than beneficence, nor are they without power to foreknow the future. There then are no gods, nor do they point out the future by signs. But there are gods, therefore they signify, and if they do signify, they do not fail to grant us some ways towards the science of signification; for they would signify to no purpose; nor if they grant ways, does there fail to be any Mantic Art. Therefore there is Manticism." No doubt a close translation, not a free paraphrase. Life, tradition, the practice of state as well of private persons, all were bound up with it. Caesar entered the Hall of Pompey in spite of unpropitious divination, Crassus had defied these things before he entered Mesopotamia. Root and fiber of Roman consciousness were organically connected with it. There is technical divination (*artificiosa*, 1, 109) practiced by professional soothsayers,

[1] Sto. Fragm. Pref. p. xxx and vol. 2, p. 242. [2] Diog. Laert. VII, 149.

[3] Many illustrations derived from Roman history, as recorded by *Caelius Antipater* (1, 55), the breviary of whose Annals, made by Brutus, Cicero had requested of Atticus.

viz. Haruspices, Augurs, *Coniectores*, whereas dreams and ecstatic conditions of the soul are the natural form. It is all implied in the primary structure and design of the universe. For the first time since 52 is Quintus Cicero introduced in any dialogue of Marcus, and there are dreams cited from their own lives.

The second book was written after the Ides. The very beginning of it exhibits Cicero as a wanderer who looks about him and recounts the distances already traversed. He enumerated his works, i. e. the non-professional ones, Hortensius, Academica, De Finibus, Tusculans, De Natura Deorum and their supplement and corollary, this very treatise. A discourse De Fato was to follow. He also quoted the treatise on Old Age as recently sent to Atticus, i. e. given out for publication, the six books De Republica, his Consolatio, his monograph on Cato, his books on the theory and art of eloquence, five scrolls in all. The treatise on the Laws is as it were suppressed. This had been his production. He was going forward to the rest of the themes included in his programme with eagerness: there was not only a literary but also a national, a Roman pride which was driving his pen forward. Then came the Ides. And now, reviewing the period of Caesar's dictatorship, Cicero is filled with a certain pride (2, 6). "My fellow-citizens then will pardon me, or rather they will be grateful to me, because, when the government was in the power of a single man, I neither hid myself, nor abandoned everything, nor tortured myself into unhappiness, nor bore myself as though I were angry at the man or at the times, nor further on did I flatter or admire the fortune of another, as though I felt remorse for my own," i. e. Cicero sought no preferment at the hands of the Regent, as many did. But now he looks forward, nay, he considers himself as once more engaged, primarily in public life, and its concerns. It was meant as an announcement of some importance to his generation. A few notes of the second book: there were two "gymnasia" on his favorite estate. The upper one, with loving commemoration of the Stagirite, he called the *Lyceum*. Here the discourse is represented as having been continued. We now get the negative view of Manticism. Cicero here latinized a treatise by some Academic critic of Stoicism, perhaps Clitomachus. We limit ourselves to one passage. It is an impressive one, for it deals with the end of the Three, who had reared the fabric of their personal ambition so high. "To pass over men of former age, do you think it would have been an advantage[1] to Marcus Crassus, at a time when he was at the top of wealth and fortunes, to know, that, after his son Publius had been slain and his army destroyed beyond the Euphrates, he himself must perish with dishonor and disgrace; or do you think that Gneius Pompey would have rejoiced in his three consulates, in his three triumphs, in his glory of great achievements, if he had known that he was going to be butchered in a lonely spot be-

[1] Literally *was*, fuisse, we would expect *futurum fuisse*.

longing to the Egyptians, after the loss of his army, or, after his death, would reap what we cannot utter without tears? What indeed do we think of Caesar, if he had forecast, that in that senate which in greater part he himself had chosen, in the curia of Pompey, *with so many of his own centurions looking on* [1] he would be slaughtered by citizens of noblest birth, partly even by men who had been equipped by himself with everything, and then lie there in such a manner, that not only no one of his friends, but not even his slaves approached the corpse, with what torture of spirit would he have spent his life?" (2, 22). A wealth of material dealing with Latin-Etruscan superstition hallowed by institutions [2] and long established observances of the commonwealth, lies before us, but must not detain us any further.

Of all the friends of the shamefully murdered Regent there was one who excelled by his pure devotion and deep esteem far exceeding the motives of the ignoble placemen who had courted the extraordinary man. It was Matius. A friend of that culture, in which Cicero led his generation, Matius loved him too. It was at Matius' villa that Cicero spent a day as an honored guest, in the first days of April. (Att. 14, 1.) Matius was a personage whose clearness of vision and whose absolute sincerity Cicero respected all the more because such men were rare in that generation. Matius then saw no hope in the situation of affairs: "*if he, with such splendid endowment, found no way out* (as though out of a labyrinth of confusion), *who will find one now?*" Matius agreed, and we cordially agree with him still, that the utter disruption then prevailing proved that Caesar and his Regency had been a necessity, and a beneficent necessity. Oppius missed Caesar just as much, but his demeanor was guarded whenever he met any friend of the old order. Even so, soon after the Ides Cicero had lost direct touch with Brutus, whom Cicero had done so much to honor, so much to attach to himself. But Cicero's keen faculty of psychological and temperamental insight had long discovered that Brutus was an ingenium firmly and rigidly set and largely determined from within, much more so than was the elderly man of letters. Matius had enjoyed Caesar's confidence in an exceptional degree. At this time then

[1] A very bitter fling in which Cicero's deep political aversion for the Regent finds expression. Many of the new senators, creatures of the proconsul of Gaul, were perhaps of no higher rank originally, or it may perhaps be taken as an equivalent to the phrase of later times: "*his own Janissaries.*"

[2] With which the reader may compare the lore preserved in Verrius Flaccus (Festus), and in Wissowa's admirable manual.

Cicero earnestly hoped for peace, and for the welfare of Brutus, whom he conceived to be a representative of peace; Matius had no hopes for peace. (Att. 14, 2.) The retired advocate greatly underestimated Antony as a political factor, as the most important one at that stage. Cicero saw in him (as many students of history still do) chiefly a fellow swayed merely by the animal instincts of life and by the convivial joys (Att. 14, 3, 2), a second-rate personage living entirely on the surface of things. Cicero now saw with astonishment and deep disgust that, whereas the old order of government had been recovered, freedom had not (Att. 14, 41.) Matius apprehended that the Gauls would rise again, as they had risen eight years before. "*Still*," Cicero adds to his bosom friend, "*come what may, the Ides of March are a consolation. And our demigods, as far as things could be accomplished through their agency, have achieved it with supreme distinction and brilliancy.*" If the assassination of the Regent was a crime, then the Arpinate, in a way, was an accessory after the fact. Cicero also feared that certain legions of Caesar might cross the Alps, and come down from Gaul, or the legions under Asinius Pollio in further Spain might march on Rome. All came to pass in due time. These, it was thought, would demand that the promises of Caesar be carried out. "After all are we so much better off? The tyrant's satellites are in command of provinces; his armies still are organized, his veterans in a proximity which is decidedly uncomfortable, all easily fanned into flame; but those men, who not only ought to be hedged about by the protection of the wide world, but even to rove at will (you see), are merely commended and cherished, but, with all that, hemmed in by the walls of their homes." So wrote Cicero while *en tour* from Astura by the sea, on the 11th of April, not a full calendar month after the assassination of the Regent. Meanwhile Octavius the heir, and through the will also the adopted son of the Regent, intended to go to Rome. He was only in his nineteenth year. Neither Cicero nor Antony took him seriously at that time. Cicero himself, through the S. C. of the general Amnesty, had helped to bring about the situation which he now so bitterly deplored: the "slayers" of the tyrant were extolled to the skies, the acts of the tyrant defended. The government *de facto* was now, even by formal action of the senate, the government *de iure*. On April 15th there is a mention of young Marcus at Athens, there still in some fashion pursuing his studies, and quite

definitely his humors and his appetites, in the shadow of the Acropolis. (Att. 14, 7.) Evidently the father expected little gratification from that quarter. He received a letter however, composed it seems with a certain classic dignity of expression, perhaps in Attic. The allowances were looked after by Atticus. (14, 11, 2.) Cicero entertained a plan of sailing for Athens in July, but of course he was not sure in April. Only then did Cicero hear from Atticus that the queen of Egypt had "fled" from Rome. By April he was down at his Cumanum looking towards Ischia and the peninsula of Surrentum, beyond that gulf of delight. Near by was the estate of a certain Cluvius, bequeathed to him. The 'park of Cluvius' was on the water. (Att. 14, 16.) Rents were good there, the Newport of Rome. The first year Cicero 'scraped off' 80,000 sesterces; but the income was approaching 100,000. (Att. 14, 10, 3.) The season at that fashionable watering place was already in full swing. Down there too were Hirtius and Pansa, designated by the late Regent as consuls for 43 B. C. Cicero cannot quite suppress a sneer,[1] at the title under which they held this preferment. Balbus too was down. The news from Gaul and from the Rhine was pacific. But Cicero cannot bring himself to return to Rome, which he generally shunned, when the changing scenes of his villas furnished a more agreeable existence than that furnished by proximity with odious politics of the capital. Young Octavius came down to the gulf on April 18th. He had come from Lupiae and Brundisium. His position in Caesar's will gave him at once a very conspicuous place in the world, not merely one determined by the Civil Law. It seems that even then Balbus gained the youth's confidence. The latter has resolved to accept the bequest (adire) and with it adoption and name. Cicero agreed with Atticus, then in Rome, that a struggle of the heir with Antony was sure to come. Antony's harangue at Caesar's funeral had been published, and by April 21st was read on the Gulf of Naples. (Att. 14, 10, 1.) *Contiones per se* are a factor hostile to the Regicides: the position of the latter at Rome is now gravely shaken. On April 22nd Cicero for the first time notes a specific act of Antony which he reported and which introduced a veritable chain of similar acts.[2] Antony for a great sum of

[1] Duo quidem *quasi* designati consules. *Att. 14, 9, 2.*

[2] Sescenta similia. (Att. 14, 12, 1.) Antony had secured not only the papers of Caesar, but also the secretary of the regent, *Faberius*. App. 3, 5. Appian adds:

money had posted a statute as passed in Caesar's regency giving Roman citizenship to the Sicilians. So the S. C. moved by Sulpicius in the temple of Tellus was set aside. Fulvia even then was named as eminent in such transactions of purchase and sale. As for young Octavius, his own folk and his retainers gave him the name of Caesar, but his stepfather Marcius Philippus did not. (App. 3, 11.) Nor did Cicero. The latter thought the very name would add to the very great actual dangers of the slayers. The youth's going to Rome was sure to render the position of the Regicides still more precarious than it actually was. Hirtius and Pansa, much to his disgust, had induced or "forced him" to aid them in oratory. (Att. 14, 2, 2.)

To Hirtius Cicero dedicated his treatise *de Fato*,[1] which was a further supplement of the De Natura Deorum. The dialogue is presented as taking place between Hirtius, (not Brutus any more) and the owner of a villa near Puteoli. Chrysippus had laid down the axiom: "Fate is the Reason of the Universe," or "the rational principle in accordance with which current events *have* happened, and in accordance with which they *are* taking place, and further events *will* take place." For the Reason or Rational Principle (λόγος) Chrysippus also substituted terms like Truth, Cause, Nature, Necessity. Cicero (1, 1) refers to the Books de Divin. as actually published. The literary honor shown to Hirtius was probably dictated by a prudent regard for the future. And indeed Cicero's intense and excitable temperament may have often suggested discussion of the fearful tangle in the actual political situation. Hirtius was to begin his consulate at Rome on January 1st, 43, a little more than half a year away. We may believe Cicero that the prevention of a fresh civil war was the substance of most of the conversations with Hirtius down there. The first or positive part of the treatise is lost. The extant fragment is the negative portion, i. e. the Academic denial and analysis of the Stoic thesis. Here too the ancient and never settled problem of Freedom and Necessity, of individual responsibility and its negation, is brought into discussion. Von Arnim places as § 974 Cicero's discussion of the Freedom of the Will, 39–44, and human initiative of action.

Antony had left Rome in April, and did not return to it until after May 15th. About April 20–24 he requested of Cicero's courtesy to consent to the return of Sextius Clodius, exiled eight years before, in 52. Here too Antony claimed that he was acting

"because Caesar, in facing the Parthian campaign, had been referring all such petitions (αἰτήματα) to Antony (as prospective viceroy)."

[1] Fr. Stoic. II, 264 sqq. No. 913 sqq. Cf. also Div. 1, 125.

in accordance with a memorandum found among Caesar's papers. (Att. 14, 13, A.) The letter is courteous and even deferential in tone. But there is not lacking too a plain suggestion: "Although I am sure your life is far removed from all danger, still I think you prefer to live a quiet and distinguished old age, rather than an anxious one." Cicero regretted not to have had a personal conference with Antony. His reply is cordial and obliging: Antony was now the step-father of Clodius' orphan son. His references to the child's father are philosophical, or at least diplomatic. He refuses to entertain any apprehension for the future, from that quarter, either for his personal security, or for his personal position. (Att. 14, 13, B.) In a reply to Atticus he declines to compare the charms of the mountain scenery near Arpinum with the loveliness of the gulf: no, the pressing theme is the question of a new civil war. (April 26th, Att. 14, 13.) Sextius Pompey was then still in arms. Decimus Brutus had taken command of his legions in Cisalpine Gaul. In Caesar's civil war a kind of neutrality was possible: it will not be so in the impending one.[1] Whoever did rejoice at Caesar's death will be considered a public enemy by the Caesareans, and Cicero *had* displayed his joy without reserve. "I may in the end flee to the camp of young Pompey or perhaps of Brutus," i. e. if then there will be one. I am too old, and I am not a soldier at all. But no matter what betides, authorship and the memory of the Ides must be my consolation. Shall I go to Greece on a roving commission? There will surely come some bloody proscriptions. I should also see my son at Athens who needs being kept to his work. It was precisely the same motive which I had when I sought such an appointment with Caesar.— Atticus' young wife came down to the gulf and with her establishment was lodged for the season in Cicero's Cumanum. At this time Quintus was engaged in arranging his divorce with Pomponia. He was hard put to it to repay the lady's dower. As for Antony, Cicero even now is aware that the former makes huge profits by forging Caesar's papers,[2] and so causing acts of government which Caesar would neither have done nor permitted. We are enslaved to fictitious memoranda of the Regent, whose sway we would not endure. The deed of the Ides has given us

[1] Neque enim iam licebit, quod Caesaris bello licuit, neque huc neque illuc. Add Att. 14, 22, 2.

[2] Fam. 12, 1, 1.

no freedom. The funeral ruined all, as Atticus predicted. Antony is to bring up in the senate the proposition to have the provinces of Gaul (all of them) transferred to himself with more than a year's tenure. The question is, will the senate really be free and unshackled to debate, free to vote its own convictions, at that time? The looting of the treasury is still going on. — Atticus had urged his friend to write a history of his own time. Out of the question. Cicero hopes to attend the senate on June 1st. On May 1st he writes with strong expressions of delight of a certain act of Dolabella's, viz. that he demolished a certain column established on the Forum in honor of Caesar. This was a kind of worship of the Regent, carried on at the spot where the corpse had been cremated. Such a monument was called *Bustum*.[1] At this act of the government the friends of the Regicides were deeply gratified. On May 2nd Cicero sailed across the Gulf of Naples to his Pompeianum. The seaside was charming indeed, but Cicero was constantly interrupted there by visitors. (Att. 14, 16, 1.) As for Rome, Dolabella's act seems to make for unrestrained freedom of movement for Brutus. The plan for visiting Marcus at Athens looks more attractive than ever. On May 3rd he sent a fervid letter of appreciation to his former son-in-law and present consul Dolabella, at Rome. (Att. 14, 17, A.) He would be content to be a Nestor to so glorious an Agamemnon. Cicero was naïve to believe that conservative politics had anything to do with this act. On the same day he writes to Cassius, sanguine and confident. He reveals the real depth of his hatred for the Regent's memory [2] and his impatience with the present reign based on the tyrant's memoranda. Antony was still touring about in Campania, with Capua just then as his objective point. (Was he not perhaps sounding the sentiments of Caesar's veterans?) Cicero still had about him his private and cryptic memoir of Caesar's consular year of 59 B. C., the book, "not to be given out." [3] He had not revised it. Clearly it was directed mainly against Caesar. Caesar is dead, but even now the publication would be exceedingly precarious. Pansa was much in the author's company at the Pompeianum. (Att. 14, 20, 4.) At this time the youthful lady

[1] Dio, 44, 51. App. 3, 2, 16. *Jhne*, p. 281, credits all to Antony. Cf. Pauly-Wissowa, vol. 4, col. 1304 sq.

[2] Odium illud hominis impuri et servitutis dolor.

[3] Liber *ἀνέκδοτος*. Cf. Att. 2, 6, 2.

Publilia still was seeking a reconciliation with her elderly spouse. Caerellia, the enthusiastic reader of Cicero's philosophical books, had arrived at the watering place to further this social enterprise, which Cicero promptly rejected. So deep is woman's admiration for a great name, and her desire to couple her name with it. (Att. 14, 19, 4.) Dolabella has not yet made any settlement for Tullia's dower, and Atticus warns his friend not to be elated too much. (Att. 14, 18, 1.) On January 1st a payment had been due, and Dolabella had gained vast funds[1] through the connivance or cooperation of Caesar's secretary Faberius. Brutus had written to Cicero that for himself he saw nothing but exile in the future. Antony had visited Misenum in the first part of May and had then departed to Samnium. (Att. 14, 20, 2.) Atticus urged Cicero to compose a popular address (contio) which Brutus might use on his return to the capital, but the orator knew better: Brutus had complete confidence in his own faculty of presentation: no man in public life more self-centered than he. Can Brutus safely exist at Rome at all? Those leaders among the Regicides begged Cicero to make of Hirtius a proselyte for the conservative cause. "He talks very well, but he lives and resides with Balbus, who also talks very well." It is difficult to map out a programme for Brutus and Cassius: circumstances (*tempora*) are constantly changing. Young Quintus had attached himself to Antony, having publicly avowed his devotion to Caesar's memory, not long after the Ides of March. Octavius (Octavianus Caesar) was to have made his first address to the populace of Rome, introduced by the Tribune Lucius Antony. From Balbus Cicero learned what Antony had really been doing away from the capital. He had in turn been visiting all the veterans of Caesar and working on their feelings to support the acts of Caesar, and incidentally to plan organizing them for the contingency of war. The local magistrates were to inspect their military equipment every month. (Att. 14, 21.) War is surely coming. Octavian, we see, does not yet figure in Cicero's apprehensions at all.— I have sent my Cato Maior to you; I ought to read that work more frequently, for elderliness makes me too bitter.

We may safely assume that Cicero's essay on Old Age[2] was written after the monograph on *Fate* was completed. Cicero did not as a rule

[1] Opem ab Ope.

[2] Cf. Fr. G. Moore, in Am. Journ. of Phil. v. 23. We know nothing of the *Tithonos* by Ariston of Keos or Chios, but the bare name.

pursue more than one literary task at one and the same time. The customary and futile quest of "Greek sources" we will put aside. Can we not read our classics a little more in the spirit in which the Humanists read them? The modern scholar is apt to be like a caterpillar spun up in his own cocoon; unable to get away from his critical and eruditional point of view. But Cicero had no eruditional view at all. His was a practical, a quasi-spiritual concern, directed at the sentiments, the moral suggestions, the elements of consolation, afforded him by his Greek reading. The blunt and vigorous sage of Tusculum indeed, his cultural neighbor of a former generation, is admirably chosen as the chief spokesman. On the other hand we know from Plutarch that he never became a genuine or willing Hellenist, in spite of the great impression made on the younger men in the senate by the philosopher-delegates in 155 B. C., in the matter about the fine of Oropos, when he took practical steps to accelerate their departure.[1] Still the idealizing touch of Cicero's treatment is delightful. The essay was to honor his bosom friend of whose loyal affection he was so sure that now only he dedicated something to him directly. The author was then in his sixty-third year and the financier and Philhellene in his sixty-sixth. Cicero had this trait in common with Goethe, that his state of being had much to do with his production; that his pen sometimes helped him to free himself from himself. "To me indeed (2) the composition of this work has been so pleasant that it not only wiped away all troubles of old age, but rendered it even soft and pleasant." One can readily see[2] that the exordium was written last. The deeper substratum of Cicero's spiritual affinity, by this time, was really Stoicism.[3] Nature defines our ideals and noblest motives. Ennius, Cato himself (the *Origines* and incidental speeches, also his treatise on agriculture), have been much in Cicero's hands. Throughout he practically compliments Atticus, in making use of chronological data furnished by the latter's *Liber Annalis*[4] and by spreading such detail freely over this treatise. It is Cicero personally then to whom the Hellenic background is due, rather than to the consistent adversary of the Scipios and of the new learning which they favored. The influence of Pythagorean doctrines on young Cato at Tarentum (39) should not, I think, be taken seriously, except in this way: Cicero, if *he* had been on the staff of Fabius Cunctator, at twenty-five, would have gained a closer knowledge of Pythagorism on that occasion with passionate eagerness. Plutarch indeed (Chap. 2) says that Cato came into a relation of great friendship with the Pythagorean Nearchos, but this very item Plutarch may have culled from Cicero's Old Age.[5] Cicero always is enlivened, always becomes

[1] Plut. Cat. M. 22–23.

[2] E. g. *misimus*, § 3.

[3] Omnia, quae secundum naturam fiunt, sunt habenda in bonis.

[4] A corollary to, or suggested by, Cicero's *De Republica*. Cf. Nepos Attic. 18, 1; Cic. Brut. 13; Cato M. 45.

[5] For other data copied by Plutarch, v. those of the farmstead of M'. Curius, Cic. 55.

enthusiastic, whenever he comes upon real strength of morals and conduct. He does not fail to insert a vigorous attack on Epicureanism (43). The civic heaven (somnium Scipionis) and its immortality is, as we know well, a fond and favorite concept of Cicero's, and may be traced through all his writings. The Eschatology of his nobler aspirations, the indestructible residuum at the bottom of the cup of life, clusters around Plato's Phaedo, or the conclusion of Xenophon's Cyropaedia, his peroration here, a work much thumbed by him or nearly read to pieces. This passage, as to death and the problems of the Beyond, was substance then particularly dear to his soul, when life was hastening to a conclusion, and his civic hopes were well nigh at an end. As a whole the Cato Maior is cheerful and sunny and proceeds in a rippling and voluble manner. The companion piece, the *Laelius*, or the treatise on Friendship, differs not a little from that strain or tone. The time chosen is a stern one, not long after the mysterious assassination of the great Aemilianus, in 129 B. C. He had been the central figure in the Treatise on the State, and the time of his departure was then very near at hand. We know that in his vigorous manhood Cicero had been fond of seeing in Pompey a new Aemilianus, while reserving for himself the rôle of a new Laelius. This essay is more stern, and in a way more academic: he impresses us somewhat like the elaboration of a thesis (*θέσις*). Laelius was a Greek scholar, nay a philosopher, and Cicero has him cite Empedocles (24). Cicero is rather unwilling to base true friendship on want or on the sense of inadequate equipment (26 sqq.). He discusses the limitations of friendship where sacrifices are demanded which are in conflict with conviction (36. sqq.) Patriotism must rise above personal friendship (42). It is the period between the older and the younger Gracchus. Cicero's strong antipathy for both is once more abundantly revealed. The Epicurean system glorified friendship, but that position is dealt with (44–45) as untenable, as a denial of geniune friendship. Affinity is discussed, also a measure of moral resemblance in constituting friendship, also the practical side, that it often is an aid for worldly equipment and getting on. Terence and Pacuvius are drawn upon to furnish cultural background and perspective. He is still using the *Annalis* (96) of his friend. He carefully abstains from alluding to the political present, quite different from the second book of the *de Divinatione*.

The Ides do not console me as much as formerly. But what of it? My career is over.[1] The Caesareans are all afraid of peace, i. e. they believe for them power and prosperity need a renewal of civil war. Seven league boots then for me, or wings of Mercury! Hirtius is much with me: he practices oratory, he dines with me. But I cannot mold him into a conservative. Hir-

[1] Sed mihi quidem *βεβίωται*. Att. 14, 21, 3.

tius' affection for Caesar is unshaken. (Att. 14, 22, 1.) The fault of Caesar was his clemency, they say, and that it was this which caused his destruction. And still Hirtius, for one, even then earnestly enlisted Cicero's counsel [1] for the impending consular year. From Puteoli Cicero went to Arpinum, merely to inspect the estate. We now learn more exactly something of Cicero's mode of travelling; from Cumae he went to Sinuessa, where also he had a minor property (*Sinuessanum*); this distance was covered in one day. Thence he went on and stopped at the *Vescianum* (Att. 15, 2) in the range of hills that separate the valley of the Liris from the coast,[2] on May 18. Not long before this time Octavian had given games at Rome, in honor of his father's victories. (Fam. 11, 28, 6.) [3]

Brutus sent to Cicero a copy of his *contio Capitolina* delivered soon after the Regent's destruction, and requested that Cicero should revise it before publication (Att. 15, 1, B. 2.), but not with the application of Cicero's highest standards (ambitiose), — "I would have written with more fire if I had had that subject." Cicero knew the technical position of Brutus and refrained from all revision. His own manner of oratory differed too profoundly from the new Atticism of the stiff-necked son of Servilia. — Do you read it too, my dear Atticus, but do not be too Attic in your judgment. Demosthenes too was Attic, but he could hurl thunderbolts sometimes. It is true that Antony is to bring over the legions from Macedon (i. e. those which Caesar had posted there to be the vanguard in the great campaign against the Parthians). (Att. 15, 2.) Cicero is ill pleased to learn that pronounced Caesareans like Matius and Postumius managed the games for Octavius. Cicero as yet absolutely refuses to call him Caesar. Octavian also made an address to the people in which he promised to pay out Caesar's legacies. By May 21st or so Cicero was in his ancestral Arpinian villa once more. He was quite uncertain in mind, whether a residence at Rome would be safe for him then. (Att. 3, 15, 1.) At this time Antony began to be troubled.[4] We know from what. It was no doubt the rapidly rising popularity and prestige of young Caesar Octavian.

[1] Arbitrum me statuebat, non modo huius rei, sed totius consulatus sui. Att. 15, 1, A, 2.

[2] Here for once I cannot follow Dr. Tyrrell: the dates and localities of his letters 730 and 731 seem to me to be impossible.

[3] Cf. Nicolaus, 28.

[4] Antonio quoniam male est, volo peius esse. Att. 15, 3, 3.

By this time too Brutus had published the speech referred to above. Another act of Octavian is referred to. At the memorial games he had desired to use the gilded throne of Caesar, perhaps merely to place it in a conspicuous place. The Tribunes stopped that, it seems, and the Equestrian spectators in their fourteen rows of seats seem to have vigorously applauded this public humiliation or curbing of Caesar's heir.[1] (Att. 15, 3, 3.) Soon after, while still at Arpinum, Cicero received a note from Q. Fufius Calenus asking for reconciliation. Fufius was a Caesarean. The orator disliked him keenly, ever since the Clodian crisis. Later during the parliamentary struggle with Antony, he defended the interests of the latter with great consistency. Cicero then considered him stupid. (Att. 15, 4, 1.) It was then too (on May 24th) noted that Antony was planning to wrest Cisalpine Gaul from Decimus Brutus, either through the senate or through the people. Whatever the strength of Decimus, that will mean war. More and more the slaying of Caesar appears as something futile to Cicero's political sense: "the tree is cut down, but not removed with the roots," shoots are sprouting up around the stump. Cicero now frankly admits it: it was fear of Antony that made us ratify Caesar's acts in the temple of Tellus on March 17th. Sometimes he is even sorry that Caesar was slain. Still he curses him [2] even when dead. "There! I blush for having written this, but let it stand," i. e. not the curse, but the wish that Caesar might be still alive. What will happen if Antony shall post soldiers around the senate-house?

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About this time Trebonius, a slayer, and still even then a beneficiary of Caesar, was on his way to Ephesus, to take over the rich province of Asia. He stopped over at Athens, as everyone did. (Fam. 12, 16.) From this most classic of places he sent a good report about young Marcus and his studies. He insists copiously that the youth was in earnest. The philosopher Cratippus is named and the prospect is opened up that the student visit Trebonius and the East attended by that philosopher. Now Cicero had a very high opinion of that Peripatetic scholar. Trebonius also sent to the supreme judge of literature a little piece of his own, viz. a versified lampoon, aimed at Antony

[1] *Dio, 44, 6,* says, that Octavian abstained from this display for fear of Antony.

[2] Quem di mortuum perduint . . . we see in part why Mommsen hated Cicero so bitterly.

probably, in the manner of Lucilius, the writer of Satura, of the preceding century. Further (and now the motive for all these pleasant things seems to be revealed), further Trebonius hopes he might figure in some future dialogue. So Caelius had wished to be immortalized when he first read *De Republica*. Dolabella had also sought this form of reflected fame.

Brutus and Cassius have asked me whether they should attend the senate on June 1st. At last Cicero had come to Tusculum, near enough to the seat of government to act, if he chose, i. e. to appear in the senate. As for the two demigods, Cicero is unable to advise them; at least he feels so. For he too had quitted his Palatine mansion nearly two months before. Hirtius intended to stay away and urged his rhetorical master and political counselor to follow his example. Antony in the end has had his way in everything. There were general threats too, by veterans, as Varro reported. — Even under the Regent my sojourn in Rome was always attended with some distinction. Hirtius was a loyal Caesarean and still devoted to a policy of peace. The present drift (*haec quae fluunt*) could not last very long. Brutus was still in Lanuvium. (Att. 15, 5, about May 27th.) This matter of the veterans was troubling Brutus and Cassius also. There were huge numbers of this supremely influential and important class then in Rome. They were looking forward to colonization or some other permanent provision at the hands of the government. (Fam. 11, 2.) The chief Regicides, the demigods already named, asked Antony outright by letter whether they could attend the senate on June 1st. The veterans were planning even to replace the altar of Caesar on the Forum. Why were the veterans then massed in Rome at all? Cicero hoped for a roving commission. (Att. 15, 8.) Antony and his counselors found a way out of the *impasse*. (Att. 15, 9.) Brutus and Cassius were to be commissioners of the grain supply (*curatores annonae*), in Sicily and in Asia. It is humiliating, Cicero feels, that they should accept any appointment at all at the hands of the Regent's friends. But Brutus might as well be in Asia as to sit and brood on his estate near Lanuvium, where as a good Stoic, admiring the Spartans, he had called a certain water-course, *Eurotas*, and a certain porticus the *Marathonian*.[1] As for himself, Cicero was convinced that he

[1] Περσική, i. e. in Athens, where Zeno met his hearers, whence the name of the school, *Stoics*.

could not safely or with self-respect attend the senate until Jan. 1st, 43. Even Hirtius and Pansa, consuls designate, did not attend on June 1st. Cicero went away to Antium by the sea on June 7th to confer with his demigods. It was a notable political conference. Even the ladies of that circle attended: Cassius' wife Junia (Tertulla); Porcia, spouse of Brutus; and Caesar's one-time favorite, Servilia, the mother of Brutus. (Att. 15, 11.) Brutus relaxed his stiffness so far as to express pleasure in seeing the orator. It was the first since the evening of the Ides. Cicero urged that Brutus go to Asia. He could not trust his life to the streets of Rome. The demigods in turn complained bitterly that the opportunity had been lost. Decimus should have done something. Cicero reiterated his old idea,[1] that Antony should have shared the fate of Caesar: then it would have become entirely feasible really to recover the government and to reestablish the constitution. Of course Cicero veiled his sense, but the distinguished company understood him very well. Both the demigods were perceptibly sobered.

Dolabella had been appointed governor of Syria, and had in turn given a legate's post to Cicero, perhaps it was to check the dunning for Tullia's dower—a five years' period, if everything went well, of free movement. We marvel how Servilia could say offhand (ib. 2) that she would see to it that such and such a S. C. was adopted. Perhaps she had had such influence under the Regency. Even the Apollinarian games the Praetor Brutus was to give through a deputy. (Att. 15, 12, 1.) From Antium Cicero went a little farther down the coast to his seaside villa near Astura. For the first time on June 10th he refers to Caesar's heir, not as Octavius, but as Octavianus. He was now content to greet and treat him as Caesar's adopted son. For the schism between the young Pretender and the consul Antony was constantly widening. But the future emperor as yet concealed his real attitude towards Cicero's demigods with consummate skill.[2] "*We must foster him, and, with unity of purpose, separate him from Antony.*" This was Cicero's new programme.

[1] Cf. 2 Phil. 34: non solum unum actum, sed totam fabulam confecissem.

[2] Hence the passages in Nicolaus and in Appian, which present Octavian's very first appearance on the political stage of Rome as an angry and impatient 'Caesaris ultor,' *cannot be correct.* Such public utterances in April–May would have promptly been conveyed to Cicero.

Once again a letter from his Marcus at Athens, clearly a Greek letter, for Cicero applies to it the term used before. Cf. letter received on April 15th. (Att. 14, 7). Again then he uses the technical term πεπινωμένως, i. e. *with the tinge of antiquity*, the dignity of older or truly classic letters; is a fact which in itself shows some progress. The tutor Leonidas however is still somewhat reserved.

On June 13th there is a reminiscence of Cleopatra. She had, through a kind of steward, promised Cicero some presents, such as became a scholar and befitting his personal distinction. (Att. 15, 15, 1.) The *hauteur* of the queen, Caesar's favorite, when she was domiciled in Caesar's park, across the Tiber,[1] was even then keenly painful to the proud Arpinate. Tiro has been sent to Rome to see about the mismanagement of Cicero's steward Eros, from which came trouble about remitting promptly the allowances to Marcus. Cicero in fact now began quite seriously to plan going to Athens himself. Only his finances and balances must be straightened out first. Atticus was anxiously working for the recall of the confiscation of his estate at Buthrotum, and had many conferences with the Ten Commissioners. (Att. 15, 19, 1.) "What will the public say of my departure?" It was the old question, as in 49, whether he should follow Pompey to Epirus or not. Sextius Pompey was still maintaining himself in southern Spain. Word came to Rome, that he had been received at Carteia. (Att. 15, 20, 3.) Cicero was deliberating whether to sail from Puteoli or from Brundisium. Antony had secured a body-guard by pretending that he feared a plot from Brutus and Cassius. Legions for his services were being transported from Macedon to Brundisium. This made the latter port less suitable for Cicero's embarkation for Athens. Antony at this time was once more deeply ensnared in the meshes of the beautiful Cytheris. He had a manner of challenging and defying conventional decorum even in his public conduct. (Att. 15, 22.) Cicero left his Tusculan villa, now the dearest spot in the world to him, about June 30th and went to Arpinum. Brutus had left Lanuvium on June 29th. (Att. 15, 24.) Arpinum for the orator was really the first stage of his journey to Athens. The games of the absent praetor Brutus were still to come, but soon. Cicero could not attend them now. On July 6th he was

[1] I do not understand Dr. Tyrrell, when he suggests that she had remained in Rome to June 44. The very park in which Caesar had quartered her was a legacy to the people. Would Octavian have endured her there? Would Fulva?

at his Formianum. On July 7th he reached the Gulf of Naples. Brutus was then adjourning at *Nesis* ("*the little isle*"), now *Nisida*, at the foot of the Posilipo, once I believe the property of Lucullus. On July 7th at dinner Cicero received a letter from Atticus. The month *Julius;* no longer Quinctilis then? What? This was too bad. He cursed this glorification of the slain Regent. His political feelings were outraged. For Hirtius and Pansa he entertained no deep respect. They were, he observed, too much given to carousing and to sleep. (Att. 16, 1.) At this time Ventidius Bassus, a Caesarean, was organizing, according to rumor, a corps of veterans of Caesar, in Antony's interest. Young Quintus was now all aflame to follow the fortunes of Brutus, and he abandoned Antony. Cicero was to certify the young man's sincerity to the republican leader. The author was greatly impressed with the inward change which had come over his nephew. The latter adroitly ascribed this as due to his recent study of his uncle's philosophical writings. Cicero read to young Quintus from the manuscript at which he was then working. (Att. 16, 5, 2.) Was it *de Officiis*, or *de Gloria?* At first we may be inclined to marvel a little at this successful flattery of the young trimmer. But the orator and author was like a professional beauty in one respect: he was very susceptible to flattery. Authors too are said to be greatly exposed to this temptation. Besides Cicero was sanguine of temperament and an incorrigible optimist. Brutus was willing to accept this political convert, but not enthusiastic to let Cicero be his fellow voyager to the East. Brutus in fact was in no hurry at all to heave anchor. He was still hoping for better news from the capital, or for some change in the general situation.

Cornelius Nepos had expressed himself rather slightingly about certain works of Cicero in which the latter gloried most. We marvel to-day at the measure of esteem in which Cicero held this second-rate compiler and critic from the north. What work might this be? Cicero's treatment on the state? or De Oratore? or the recent philosophical books? I believe however the strong terms of valuation like ἄμβροτος are quizzical. About this time too we hear that Tiro had begun to collect Cicero's letters. He had so far gathered some seventy. Was it from copies kept by his master? Atticus had certainly not contributed any. Cicero was to revise and correct them. "Then at last they were to be given to the world." This does not look like designs to be executed after his master's death. But the Atticus letters were, of course, out of the question.

Brutus like Cicero was greatly angered by the official adoption, at Rome, of Caesar's name for the month of July. The annalist Scribonius Libo dropped in on the two haters of dynasts. (Att. 16, 4.) He had news of Sextius Pompey, his son-in-law, that he had formidable forces in southern Spain.[1] The last of the Pompeys wrote that he would not accept any money-equivalent for his father's confiscated estate, but demanded the restitution of the latter itself. Publilia's dower had now been repaid in greater part. Atticus was to manage Cicero's finances with unlimited discretion during the latter's absence in the East. (Att. 16, 2, 1.)

About this time Cicero had completed his discourse *de Gloria* in two books. Atticus is to mark the fine passages and the reader Salvius is to read them out at dinner when suitable listeners will be there. It seems the first book was only then sent. By a mistake he had prefixed an introduction already used for the third book of his Academica. Cicero had a collection, like an organist, of detached preludes. The mistake of the Introduction had already been made at the Tusculanum. (Att. 16, 6, 4.) Perhaps Tiro should have shared in the blame. Things were done on the wing in that summer. Cicero was distracted by watching Antony and by planning his own movements.[1] So too in a reference from Homer, Il. 7, 89–91, Cicero made Ajax the speaker instead of Hector. (Cf. Gell. 15, 6).

Atticus had gone out to Tibur and seen Antony at the villa of Metellus Scipio which Antony had appropriated. The faithful friend had secured from Antony some assurance that in case of some future proscription in the Alban district, Cicero's Tusculanum was to be exempted. (Att. 16, 3, 1.) Atticus is more and more delighted with the discourse on *Old Age*. As for the voyage to Athens Cicero is characteristically irresolute: many sound considerations are hostile to it. "I might as well, if stay away from Rome I must, spend the time in my country-places, which are well built and quite charming. On the other hand it will be good for my son, if I go." Dolabella had not yet made any repayments of Tullia's dower. On July 17th Cicero put to sea, southward from Pompeii, with three barges each rowed by ten oarsmen. Brutus was still at Nesis, Cassius at Naples. Not long before this time, Hieras and Blesamius, envoys of old king

[1] *Dio Cass. 44, 10:* Asinius Pollio had no strength and was defeated near New Carthage.

[2] Att. 15 4.

Deiotarus of Galatia, had come to Rome. There they had from Antony and Fulvia purchased, or repurchased, Lesser Armenia, by giving a bond for ten million sesterces ($440,000), without having consulted either Cicero, the king's regular counsel, or Sextus Peducaeus. The orator himself made a pause in his voyage and landed at Velia. There Trebatius Testa had a house, which he had inherited from his father. (Fam. 7, 20.) Cicero then hoped to see him again before December 21st or so.[1] The stay at Velia was but for one day. By July 24th he had reached Vibo, on the coast of Bruttium, not very far north of the Straits of Messana. Sicca, his faithful friend of exile time, was his host. It was seven days out of Pompeii. (Att. 16, 6.) At Rhegium he was to determine what sort of vessel to choose for continuing his voyage to the East. On July 28th he wrote from Rhegium, south of the straits, to his friend Trebatius once more.

From Rhegium too Cicero sent to Testa a work on Arguments and Argumentation, *Topica*. He could have called it *Ratio Locorum*, but he preferred the Greek term. He had begun it at Velia, whose associations had brought the jurisconsult vividly before his mind. The latter some time before had visited Cicero in the Tusculan villa. There, in the library, probably in the "Lyceum" the guest had come upon the title of Aristotle's Topica, the work and its theme entirely strange to him. He became at once interested in the subject, but found Aristotle's work very difficult. Even a distinguished professional rhetor then teaching in Rome professed his ignorance of Aristotle's work. Cicero of course had no books of Aristotle with him, and so had to be content with his memory. The composition as a whole consumed seven days, mainly on board of a small vessel, probably dictated to Tiro. Of course it has proved a futile thing, to discover, or to institute any serious parallel of semblance between Aristotle's and Cicero's theory of argumentation. All that we ought to say is that the former suggested the latter. Perhaps the coolness of a moving vessel made the work less exacting. It is, in a word, the logical element in Rhetoric. Cicero first discusses the sources of points and proofs, such as definitions, etymologies, derivation, genus, and species, resemblance, difference, opposite corollaries, antecedent matter, consequences, factors, results, causes (the *loci proprii*, 8–71). The points brought in from without (the *loci adsumpti extrinsecus*): evidence, credibility and the factors of the same. Further the specific case and the general truth or problem (θέσις), with a survey of the three main classes of *status* (81 sqq). Further, the application of general truths to the cases in hand, the ascent from *causae* to *loci communes* (in which Cicero saw the deeper foundation of

[1] Ante brumam.

his own oratory).[1] He then goes on to show what loci (τόποι) are suitable for introduction (*exordium*) (97 sqq.), statement of the case (*narratio*), proof (*fides*, πίστις) and conclusion (*peroratio*). This stuff, my dear Trebatius, you will find a bit dry. (Fam. 7, 19.) But you as an expert in the Civil Law are not unacquainted with some measure of dryness and obscurity. There are a lot of books dealing with the Civil Law, and still one needs an instructor and practice.

On August 1st Cicero reached Syracuse to embark there for Greece.[2] He sailed the very next day, but head-winds drove the ship back to Leucopetra, a headland of the community of Rhegium. Some eight months later he described these experiences in the following words. "Angry at the times, and abandoning the hope of freedom, I was being speedily carried off to Greece when the *Trade-winds* like good citizens were unwilling to escort me as I was forsaking the state, and the head-winds of the south carried me back to your fellows of the same *Tribus* to Rhegium, and thence with winds and oars I hastened back into my own country with all speed," etc. (Fam. 12, 25, 1.) This was a summary survey: on returning to the coast he became a guest at the villa of Valerius, where he felt very much at home. There and then he heard news both from his demigods and from Rome also, particularly that Antony would abandon the province of Gaul (i. e. his claims and designs upon it) and was now seeking reconciliation with the senate. There was to be an important session of the senate on Sept. 1st. Brutus and Cassius had sent a particular request to senators of consular and praetorian rank, urging them to attend at that time. The demigods intimated a strong belief, that Antony would abandon his position and that the conservative Republicans would return to Rome. Cicero also heard that his own presence was desired, and that veiled insinuations were uttered unfavorable to himself. He thereupon determined to return. Of course, never sufficiently self-poised as he was, he was at once troubled as to the public effect which this reversal of plan would cause. On August 17th the orator had reached Velia on his return voyage. (1 Phil. 5.) Brutus then, hoping and lingering, was near that port with his flotilla. He at once came to Cicero by land and was profuse in

[1] One must abandon Richard Volkmann's contention (that the *genus deliberativum* knows no *status*) when Cicero in 93 sqq. implies that *deliberatio* and *laudatio* too have status, e. g. in the form of *denial*, as Caesar did in his *Anticatones*.

[2] 1 Phil. 7.

his protestations of joyous satisfaction. Cicero's projected tour to Athens had seemed to Brutus an abandoning of political duty. Some had even thought that the orator was going to attend the Olympian games, which indeed, even without any pressure of public duty, would have been positively indefensible. Antony had issued a public proclamation directed against the Regicides and moreover had dispatched an open letter to them. They in turn had responded on August 4th, and Caesar's death had been brought forward once more. He had threatened war. (Fam. 11, 3.) They retorted with a haughty spirit of freedom: "*it was not for Antony to give orders to those, through whose services he was free.*" Let him spare his threats. They would not be driven. They sought no feud, but they valued their own freedom higher than his friendship. In conclusion they called upon him to reflect, not on the duration of Caesar's life, "*but on the brief duration of his monarchical rule.*" [1] Cicero was delighted with this manifesto. Piso, Caesar's father-in-law, had on August 1st assumed an attitude somewhat hostile to Antony. Cicero was eager to know whether Piso attended the session of August 2nd? But Piso had no supporters, not even by the expression of miens. (Phil. 1, 14.) On August 19th Cicero once more approached the mouth of the Sarno to sleep that night in the villa near the lower slopes of Vesuvius, his Pompeianum. By the latter part of this month of August 44 B. C. Cicero arrived at his Tusculanum. Trebatius visited him there the very next day. (Fam. 11, 27.) One of Cicero's first acts was to put himself into communication with that noblest of all the Caesareans, viz. *Matius.* In all the vicissitudes before the fall of the regent, Matius had befriended the orator and consistently helped to maintain for him the good-will of Caesar. Now a little before September 1st Cicero uttered some mild surprise that Matius had voted for a certain law, perhaps that one by which (in Antony's interest) Cisalpine Gaul was exchanged for Macedon.[2] Matius had assisted young Octavian, as noted, in the *ludi votivi* given by the latter in his father's stead. (Att. 15, 2, 3.) Matius insisted that it was commendable to love and honor a friend even after death. Caesar was however a monarch. Cicero could not

[1] Quam non diu regnavit.

[2] *Fischer, Zeittafeln,* p. 313, acc. to App. 3, 30 by a *plebiscitum,* through *Comitia Tributa,* with the support of Octavian. Cicero to Matius: ego te suffragium tulisse in illa lege non credidi.

stand with Matius, even if he respected his motives. The data which evoked this missive Cicero got from Testa. Caesar or the country: this was the alternative which Cicero insisted upon. But, said Matius, the proof has not yet been successfully made; Caesar's enemies have not yet made good their contention that Caesar's death was useful to the state. We may fairly add that the proof is still to be made. Matius had labored for moderation and clemency after Caesar's victory (Fam. 11, 28); in the positive absence of any personal gain or profit he stood out among all of Caesar's followers. He had not been captivated by the sweetness of money, rewards which captivated the others, and which they, who had less influence with Caesar than Matius, abused without constraint. The very men whom Caesar had spared or restored, caused his destruction. Is my grief for the death of that noble character a treasonable thing? If they threaten me, their efforts are in vain. My earnest desire is that everyone should share my grief.[1] My positive purpose is to have no association with the wicked ones (the Regicides). "I have often also gone to the house of the consul Antony to pay my respects; you will find that the very persons who deem me a poor patriot, go to him in great numbers in order to present some request or to bear away something or other. But, what arrogance is this? A thing which Caesar never interfered with: that I might associate with whom I pleased, and even with those whom he did not esteem. What arrogance I say, for those who wrested my friend from me, to endeavor by fault-finding to constrain me not to esteem whom I want to! I may seek leisure at Rhodes."

The father's news from Athens began to look better. Young Cicero wrote from Athens to Tiro: expressing remorse for the follies of the past, and claiming for himself that he now was a veritable *son* to Cratippus, also reporting that he had begun to declaim in Greek with Cassius, and in Latin with Bruttius; that he was associating much with pupils whom Cratippus had brought over from Mitylene. I have heeded your warning about the Rhetor Gorgias (a leader in cups and debauchery, Plut. Cic. 24), though he is good in daily *declamatio*. But there is not lacking a mark of young Cicero's characteristic indolence: "send me a librarius to copy out my lecture notes (*hypomnemata*): a Greek librarius preferred."—At Rome it was becoming clear

[1] Cupio Caesaris mortem omnibus esse acerbam.

that the Regicides and the conservatives generally, for the first time indeed since Antony's funeral eulogy of Caesar, were raising their heads once more, and even looking forward to some resumption of power. How was this? What caused the change? It was apprehension of Caesar's adopted son, which made Antony assume for the moment a more respectful, may we say a more constitutional, attitude towards the senate. On August 31st Cicero left what was really his threshold of Rome, his Tusculanum, and lodged once more (we may presume) in his fine mansion on the Palatine. On September 1st the senate met pursuant to the consul's official summons. Cicero did not attend, but *rested* at home. He was, as he claimed, too fatigued to attend. The meeting was in the temple of Concordia.[1] Some of Antony's body-guard were attending. Caesar had never done that. When the consul learned of Cicero's absence through a special messenger, he threatened to do some injury to the orator's mansion, if he remained away. But Cicero did so, offering as an excuse his exhaustion of traveling. The matter under discussion was the apotheosis of Caesar, thanksgiving to be offered up to Caesar. Was it not this very programme by which Antony hoped to draw out Cicero into some declamation so bitterly hostile to Caesar's memory as to make him odious to the populace and to drive him from Rome once more? Antony contented himself with taking security for Cicero's appearance in the Great Council. Cicero did appear on the very next day, September 2nd, when Dolabella presided. The orator spoke there. Antony was not there. Cicero delivered a discourse which in time was called by the name which designated the splendid speeches of Demosthenes against the nascent autocrat of Greece, a *Philippic*, an appropriation of a certain classicity in Rome, and in Latin. He surveyed Antony's public acts. Up to and before June 1st they made, on the whole, for peace and order. After that however the nascent autocrat was more and more revealed. The designated consuls shunned the seat of government. The feelings of the veterans were systematically stirred up. Prospects of proscription were held out to them. So Cicero had concluded to avail himself of his *legatio libera* and then return in time to attend the inauguration of Hirtius and Pansa. He chiefly set forth the circumstances of his return. He avoided uttering Caesar's name, whose proposed worship was to him, the republican and thinker, intolerable.

[1] 5 Phil. 18. Plut. Cic. 43. 1 Phil. 12.

It was constraint, under which such an S. C. had seen adopted. The severest charge against Antony was this, that he really did not maintain or execute Caesar's acts at all. He alludes to the appropriation of the public funds (17), but worse—the very statutes of Caesar had been set aside, e. g. about the limitation of tenure in provincial government, the restoration of the third class of jurors, admitting even native Kelts from the Legion *Alauda* to that service, that those condemned for violence or Treason could appeal to the people, a bald invitation to rioting and bloodshed. *In all these acts Caesar was reversed.* At the same time Cicero protests against the practice of fathering on the dead Regent new and radical decrees. Cicero (25) speaks of laws which were never promulgated, and which "were passed before they were written." The popular assemblies also which enacted Antony's will were not free nor general, but under the control of the military. On August 1st Caesar's father-in-law had spoken in the senate with freedom. That was novel and startling. Now Cicero certainly did the same. His manner was moderate enough, but his matter was overwhelming. But Antony (28) would not brook any opposition: this was in itself intolerable to his mood and habits, even though all personal slurs were excluded. Cicero's moral and political appeal to the young consul Dolabella we may well believe to have been futile. Men like Dolabella are not moved by such motives. Few politicians are. But Cicero certainly insists on his own standards of felicity and success, standards not essentially different from those which his pen had laid down in his recent period of philosophical retirement. There was an element of nobler maturity in this last stage of his life. His efforts to be true to himself (if only they could have been freed from the grave burden of his morbidly sensitive temperament) deserve at least our respect.

Cicero had, no matter how fast he dictated to his untiring Tiro, deeply pondered on glory, Providence, duty, achievement, posterity, we may even add eternity. Roman history and civilization, analyzed with an intellect deeply refined by Greek studies, had come to mean more to him than to any man of his generation, even to Brutus. He shrinks not from uttering with impressive distinctness his condemnation of Antony's ideals: acquisition and enjoyment of irresponsible power, defiance of the rights of others in the use and sense of that power. Who will deny that Cicero had correctly and with moderation drawn

the lineaments of Mark Antony? He calls attention to Caesar's end and refuses to share in the current admiration of the Regent's fortune. "No one is fortunate who lives on such terms that he can be slain not only with impunity, but supreme glory for the slayer" (35). So Cicero, publicly and morally at least, made the deed of the Ides of March his own. How slight as yet was his concern for Caesar's legal heir and adopted son. The deeper recesses of Cicero's heart were revealed in the concluding words: "I am satisfied with the life that is behind me, whether as to age or to reputation. If there shall be any addition thereto, it shall be an addition not so much in my interest, as in that of yourselves and of the commonwealth." The drama of his life was in the last act; this sentiment was a constant and a most vivid element of his consciousness.

Cicero had left public life in the spring of 51, when he assumed the proconsulate of Cilicia, more than seven years before. The material importance of his reentry into public affairs was at once emphasized by Antony himself. Not since his restoration in the autumn of 57, thirteen years before, had the foremost debater in public life been so much himself again. He was still a power in that sphere where above all other spheres he fondly loved to be a power. Antony was so enraged with Cicero, that he formally announced to him by written note,[1] that henceforward their personal relations of comity and friendliness were at an end. He also notified Cicero to attend the senate on September 19th. The intervening seventeen days, attended by a rhetor, the irate consul retired to the *Tiburtinum* of Metellus Scipio. There he elaborated — partly master and partly pupil — a reply to Cicero's discourse. On September 19th he was back in town and, in the temple of Concord, with a full attendance of armed men, including archers from Lebanon, he delivered an important harangue or invective against Cicero. He seems to have limited himself largely to Cicero's public life: no small attestation in that generation of the purity of Cicero's private conduct. Some of the items marshalled against the orator were these:[2] the Catilinarian matter once more, the execution of Lentulus and his fellow accomplices, the withholding of the corpse of Lentulus from burial by his family, the enrollment of armed citizens, Cicero's poem on his own consulate and his vain

[1] Inimicitias mihi denuntiavit. 5 Phil. 19.

[2] 2 Phil. 12–42. Cf. my edition, N. Y. 1901. D. C. Heath and Co.

glory over against the military achievements of Pompey; Cicero responsible for the killing of Clodius, for the estrangement of Caesar and Pompey, and thus for the civil war; that he was the author of the plot to kill Caesar, his demeanor in Pompey's camp at Dyrrachium, that his friends had never remembered him by legacies. — Of course Cicero did not attend on September 19th. His pride however was wounded to the very marrow. All his moral and political convictions were stirred as they rarely were stirred before. The sober resolutions of these later years, the contemplation of a serene eventide of existence, the very spirit of resignation, all, all was dispelled or cast aside in the one overpowering passion to make the Regent's unworthy successor and ignoble imitator smart as he had never smarted before. The passion of hatred, stronger than all Stoic analyses, was like the gadfly of Io in his life. During this autumn the author sought to buttress himself by gaining support of other Caesareans, like Hirtius and Pansa, whose future honors and emoluments would be jeopardized by Antony's autocratic ambitions. Such a one also was L. Munatius Plancus, governor of *Gallia Comata*. (Fam. 10, 1.) Cicero's fond hopes for genuine public betterment had been shattered in a very positive, a very personal way indeed. Plancus under Caesar's pre-Parthian ordinances was to be consul in 42 B. C. Plancus learned the current news of the capital in the regular way,[1] but he had concerns of his own which he hoped Cicero would advocate or support on the floor of the senate. Now however after September 19th matters had reached such a pass (Fam. 11, 2, 1) that Cicero could neither safely nor honorably appear in that body. — There I would address Antony's mercenaries rather than the Conscript Fathers: these would neither be so comfortably placed nor so near to hear, as the former. — Cicero tried to give a constitutional inclination to the political sentiments of Plancus. (Fam. 10, 3.) He intimates quite bluntly that at one time Plancus had been too much of a time-server, but now there was before him a glorious opportunity for noble independence. The First Philippic (as it came to be called later on) was a notable political deed: copies went everywhere. (Fam. 12, 2.) Cassius read it while being still in southern Italy, and of course approved. Little doubt but that Antony had been striving to drive Cicero out of Rome by coupling his name with the Regicides, and thus[2] making it odious to Caesar's veterans.

[1] Quoniam *acta* omnia mitti ad te arbitrabar. [2] Ut in me veterani incitentur.

Three consulars in all had spoken with freedom on the floor of the senate, but these three did not dare to enter that assembly again. M. Lepidus then stood close to Antony; a son of Lepidus had married a daughter of Antony and Caesar's old Lieutenant had succeeded him as Pontifex Maximus. The best men are intimidated. The others in the main are currying favor with the new dynast. No, you too in your common spheres of power must reestablish the government which we have lost.[1] On October 5th the Tribune Canutius, a servitor of young Octavian, forced Antony before a contio to declare himself about prosecuting the slayers. (Fam. 12, 3, 2.) Even there Antony once more made Cicero responsible both for the Ides of March as well as for Canutius.[2] What wretched times are these! "a master we could not endure; now we are slaves to a fellow slave." In a similar strain he wrote to Cornificius, who held on to the government of Africa in defiance of the new Regent. Here we learn "of the enterprise of Caesar Octavianus," i. e. the attempt on the life of Antony.[3] The latter at least so charged, and the hired murderers were arrested in Antony's mansion. "Sensible people and the conservatives both believe it and approve of it." Evidently the capital (mercenary troops apart) was turning from Antony to young Caesar Octavian, who as yet was shrewdly concealing his programme, at least from Cicero's observations. On October 9th Antony left the capital to go to Brundisium and take command of the four legions which he had succeeded in having brought over from Macedon. —There, as mentioned above, they had been posted by Caesar as the vanguard in his vast plans against Parthia. —Everyone knows Antony's plans: they are, to attach these troops to his person by donatives, bring them to Rome and place them "on the necks" of Antony's political foes. Cicero here refers to philosophy as a resource in this desolation: a shield and buckler against all the assaults of fortune (4). Perhaps he was then deeply engrossed in his work *on Duties* (*de officiis*). Some time in October then, after the 9th of that month, Cicero did what he always did, when Rome once

[1] O. E. S. thinks this letter (Fam. 12, 2) was written between Sept. 19 and Oct. 5.

[2] Vell. 2, 64, 3.

[3] Fam. 12, 23, a little after Oct. 9. O. E. S. in Mendelssohn's edition of these Letters. —There in § 2: "Rerum urbanarum *acta* tibi mitti certe scio." —"Hortantibus nonnullis percussores ei subornavit." — *Suet. Aug.* 10. *Gardthausen*, p. 55, seems to put it too early.

more was becoming intolerable. He went to his villas. The last week in October found him down by the lovely gulf, at his Puteolanum. *His ferocious reply to Antony's discourse of September 19th, is then done.* (Att. 15, 3.) The world has long known it as the *Second Philippic.* This to be in the care of his bosom friend, the date for its publication no less. The prudent Atticus had suggested a truce. Cicero thought not. Cicero's faithful friend Peducaeus was to share with Atticus this political and literary secret. Atticus had suggested that. The last of the Pompeys was still holding his ground against the Caesareans (i. e. Asinius Pollio) in Spain. Cicero was working hard at his treatise on the Duties. This doctrine and body of precepts, a standard element of Stoic Ethics, was not unaptly to be addressed to his son Marcus, whom he was never to see more.[1] There will be some performance (this work) which will make this tour worth while, a monument or record of the same. Varro was expected. Dolabella too was down there, going to assume his province of Syria. The reply to Antony (the Second Philippic) is not to be published until after the government has been recovered.[2] His Puteolanum was not excelled by any of his places in point of attractiveness, but there was less seclusion there, than at the Pompeianum. On November 1st Cicero at his villa near Puteoli received an important letter from Octavian. (Att. 16, 8.) He had then secured the support of those veterans of Caesar who dwelled at Casilinum and Cales. No wonder: he gave them 500 denarii apiece[3] ($90). "He intends visiting other colonies. His real aim is to have a war waged with Antony, he to be the leader." In a few days there will be war. But whom shall we follow? Consider his name (Caesar), his years. Octavian had completed his nineteenth year on the 23rd of September preceding. He desired a *private* conference with me, at Capua. As if such a thing could be done *privately!* Antony was then on his way from Brundisium to Rome, attended by the legions of the "Larks," a Keltic corps originally. He was himself accoutred as for war and levied contributions on the towns through which he passed. Octavian "asked me for advice whether he should set out for Rome with 3000 Veterans

[1] *τὰ περὶ τοῦ καθήκοντος*, Att. 15, 3 A 6.

[2] Quae non sit foras proditura, nisi re publica recuperata (ib. 7).

[3] So too Dio, 45, 12, who cites and defines the term of *Evocati:* little doubt but that he had Livy before him. Cf. App. 3, 40.

or hold Capua and keep Antony out of it, when he came on (from Brundisium), or should go to the Macedonian legions, which are marching along the Adriatic, which (legions) he hoped would be his own. These have refused to receive a donative from Antony and called him abusive names [1] and left him when he was making an address to them." Thus reported Octavian's envoy, Caecina of Volaterrae. Cicero urged Octavian to keep on to Rome, believing that the youth would secure the adhesion of the common people, *and, if he would gain their confidence, the good men too.* What a pity that Brutus was not at hand! Octavian more and more drew Cicero to himself by asking his advice and by declaring for senatorial initiative. (Att. 16, 9.) The orator for the time being made excuses: [2] he could not trust in one so young. He would like to keep near the sea, fearing that Antony was too strong. Varro had no confidence in the young man. Cicero thought his troops were good. At the moment, November 3–4, Caesar's heir was at Capua, organizing his forces and paying out bounties. By November 5th Cicero hears that Atticus has received the Second Philippic. He mentions that, in the arraignment of Antony, he has suppressed the intrigue of Antony with the wife of Sicca (Att. 16, 11, 1), but gloats over another thing: viz. that he brought out this, that the mother of Antony's first children was a daughter of Fadius Bambalio (the Stammerer), a man originally but of freedman's rank. (2 Phil. 3.) That was the most crushing thing to the social consciousness of the Roman aristocracy at this time. "Would that I might see the day when that speech (as a publication) can roam at will, and even enter Sicca's house." Atticus had begun to revise a few items in the invective. Peducaeus (Cicero often repeats whatever he has at heart) is to add his estimate to that of Atticus about his tremendously dangerous brochure. Fufius Calenus and Matius are to have no inkling of it. Varro in Rome was then working on his *Hebdomades.* (ib. 2.) Atticus suggested that Cicero tone down in the Second Philippic his commendation of Dolabella. Cicero is then getting out for Atticus a final copy of the *Topica.* The first two books of *de Officiis* are done. This is the part where he worked up *Panaitios* (*περὶ τοῦ καθήκοντος*). Panaitios indeed had written three books on his theme, "but when at the beginning he had made this classification, that there are *three spheres* of determining

[1] Dio, 45, B. App. 3, 43.

[2] *σκήπτομαι.*

duty: one, where we deliberate whether (an action) is honorable or base; the second, whether useful or advantageous; the third, how we are to judge whether these seem to be in conflict with each other, as was the case of Regulus: viz. honorable to return; useful, to remain; on the first two he discoursed splendidly, on the third he promises to write next, but he did not write anything. This subject-matter Posidonius covered. I have sent for his book and I have written to Athenodorus Calvus, to send me the main points (τὰ κεφάλαια) which I am now looking forward to. In it there is a discussion of *the duty which is bound up with circumstances.* As to your enquiry about the title I have no doubt but that *officium* is the equivalent of καθῆκον. I dedicate it to (lit. I address) my son Cicero." The storms of autumn were raging on the Gulf of Naples. Octavian sent letters daily, urging Cicero to come to Capua, "*to save the state for a second time.*" The cleverness and adroit flattery practiced by Caesar's young heir are quite extraordinary. On the other hand we do realize, that the Catilinarians had become school books. Octavian is energetic, he will come to Rome with goodly forces; but when all is said, he is a mere boy (*plane puer*). It is wonderful how the people come out for him (he is now well on to Rome) and cheer him with encouraging words. Cicero too now began to move northward by easy stages. (Att. 16, 10.) On November 8th he arrived at his place near Sinuessa. Antony's movements frightened him, however. He abandoned his plan to go to Rome by the Appian Way, but proceeded to *Minturnae* and then up the Liris to Arpinum, lodging one night at Aquinum. Lucius Antonius however with troops was infesting the district near Arpinum and for once Cicero was compelled to seek safety in the town itself,[1] high up there with its impregnable position. As for the great problem of the hour Cicero saw clearly (as Atticus did), that, if Octavian became very powerful, then the acts of the tyrant would be ratified in a very much more substantial way than in the temple of Tellus (on March 17th), and that this would be antagonistic to Brutus; but if Octavian were defeated, then there was no living under the sway of Antony. Both alternatives were rather gloomy. Atticus was to tell him whether to stay at Arpinum, or to go on to the Tusculan villa. Young Quintus, always an ultra enthusiast for somebody or something or other, now was rabid against Antony, and declared

[1] 12 Phil. 20.

with much bravado, that on or after December 5th he would publicly demand of Antony that he must give an account of the funds taken from the temple of *Ops*. Cicero now sent Tiro to Rome to straighten out his accounts and financial status. (Fam. 16, 24.) These things were in desperate straits. Tullia's dowry had never been repaid by Dolabella. (Att. 16, 16, 5.) Terentia's dower was to have been repaid from the former. Cicero actually was then in danger of personal insolvency.[1] Not long before this time young Octavian had made an address to the people on the Forum. He had stretched out his hands towards the statue of the Regent and sworn: "as surely as he hoped he might be permitted to attain his father's honors!" "I would not," Cicero observes, "even be saved by such a one!" Oppius had urged Cicero to come out for Caesar's heir and Caesar's veterans. Casca, one of the Regicides, was to enter the tribunate on December 10th. On that occasion Caesar's heir would have to declare himself. The drift at Rome was unmistakably away from Antony and to Octavianus Caesar. The governor of Furthest Gaul was somewhat nervous and anxious, fearing that those tribes might consider the troubles of Rome their own opportunity. (Fam. 10, 4, 4.) It was some nine years since the rising of Vercingetorix. Antony, while returning from Brundisium to Rome, convoked the senate for November 24th. (3 Phil. 19.) He used this phrase: "If anyone shall not attend him, everyone will be able to consider such a one to have been an instigator of my destruction and of the most ruinous counsels." Cicero was comprehended in that class. But Antony did not himself attend on that day, but postponed the session. The main body of those troops who remained faithful to him, was meanwhile encamped at Tibur. He came to Rome for a second time, with greatest privacy. The session was on the Capitol, on November 28th. Antony had intended to pour out the vials of his wrath on Octavian. But when he learned then and there that the IV legion then at Alba had revolted from him, and the Legio Martia likewise, he hurried away to Tibur. After this Rome seemed to be lost to him.[2] Octavian was in Etruria with his levies. That same evening the senate began to act without Antony. (3 Phil. 24.)

[1] Turpius est enim privatim cadere.

[2] Appian's relation is pronouncedly pro-Antonian. His authority is one who deliberately and consistently elevates and almost glorifies Antony as over against Cicero. Was it not the *Historiae* of Asinius Pollio?

On December 9th Cicero came to town and immediately called on Pansa, one of the consuls who were to take office on January 1st. There is no specific record as to the time when Atticus published the so-called Second Philippic, whether soon after Antony's departure for the North, or after Cicero's arrival on the Palatine.—It was supremely unwise to have written such an Invective, doubly so to publish it. But Cicero determined to burn his bridges behind himself; he knew when he launched that terrible diatribe, that no truce or peace could ever be made between the new dynast and himself. The entire course of Antony's life is set forth, from boyhood on. It is a relation of early corruption, unnatural vice, by which he gained the means of monstrous expenditure, defiance of laws, vassalage to Caesar, intermingled with fits of defiant independence; the ignobler side of his social habits, camaraderie with buffoons and actresses, insane squandering of incredible treasure, deep cups, reckless disregard of conventions and decorum, forgery of Caesar's papers, whims of budding despotism and the trampling under foot of the constitution. Even slight humiliation from the late Regent Cicero had endured with deep resentment, but the challenge of September 19th by an Antony, this had been entirely too much for that delicate and vacillating thing, Cicero's equipoise. Cicero was woefully deficient in that typical Roman quality of *Gravitas:* his state of being comparable to the mercury in some glass bulb on a vessel dancing on uneven billows of the sea. His Stoic reading had really affected his innermost personality but little. But the speech is a tremendous production. If within the compass of all moods and strains of man's soul or emotion there is one not found there, then I am greatly mistaken. There are passages of pathos, of lofty sentiments not surpassed by pure tragedy, there is low and lowest comedy, mimicry of tenderness, scenes of low life, buffoonery and farce. There is jest, humor, mirth, but also flaying ferocity. In time this discourse became one of the great classics in the rhetorical schools of Rome and of the Roman world. Whenever Cicero once more lived through the recent crisis and the ultimate catastrophe of things dear to his civic being, he was moved as the placid main is suddenly troubled by gales and whirlwinds.

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Meanwhile Cicero with a consistent and vigorous policy sought to secure the outlying bulwarks of the empire from the

Roman center, urging or encouraging or inciting those who held distant provinces, as Brutus in Macedon (Fam. 11, 5), Plancus in remoter Gaul and Decimus Brutus on the Po. Even on December 19th he considered the senate "not yet free." (Fam. 11, 7, 2.)

Cicero hoped that on December 20th a new era of Republican restoration was to dawn. The new Tribunes called the senate on that date, right in the midst of the Saturnalia. One of these functionaries, Servilius, presided and called upon Cicero first. His discourse on that occasion is counted as the *Third Philippic.* He greatly extols the public service of Octavian, "a youth, nay almost a boy," who saved Rome from Antony. For if the latter unchecked and with unimpaired strength had reached Rome from Brundisium, the fate of the capital would have been awful. Now only was there freedom of debate. He praised Decimus, took up once more the bargains and sales of privileges, immunities and grants in the private cabinet of Antony's wife. After the Lupercalia when Antony offered the diadem to Caesar, he had really forfeited the consulate. He had issued atrocious proclamations against Caesar's heir. Young Quintus too had been named in these manifestoes. Antony's faults of style are ridiculed (22). Cicero moved that the incoming consuls adopt measures to secure a republican form of government, and that the senate approve the resistance of Decimus in the North. The senate alone was to determine succession there. Octavian and his troops are to be commended, especially the two legions which had deserted Antony. For all this action, the orator claimed, he had preserved himself since the Ides of March, and even more since the 19th of September. Special honors for Octavian were to be reserved for later action. On the same day Cicero communicated all this to the people on the Forum by a contio. This is the *Fourth Philippic.* Even then Cicero claimed that these acts of the senatorial government implied that Antony was a public enemy, not a Roman consul. Such a declaration, no matter how long opposed and delayed, was for the orator a necessity of life and existence. It is natural, and we can readily understand, that this political idea of Antony's attainder by the senate and the incoming administration was the burden of all of Cicero's further striving and purpose. He was comparatively alone in this new service and leadership,[1] the civil war had cruelly

[1] Oppressa omnia sunt nec habent ducem boni, *Fam. 12, 22, 1.*

swept away almost all of his political coworkers of the olden time. His very presence and personality had gained distinction and significance through that desolation. The Regicides were, most of them, far away. Quintus feared that the new consuls might not be proof in the end to the allurements, convivial and otherwise, which Antony would know how to bring into play. (Fam. 16, 27.)

The Third Book of his swiftly composed treatise *on Duties* Cicero probably completed not very long before December 9th, having availed himself of the abstract of Posidonius, furnished him by Athenodorus. After Dec. 9th his vessel of life left port and the quieter avocations of the library for the last time. Deeply grounded political convictions, an extraordinary measure of responsibility and very positive power in the new administration, together with a sum of practical questions, removed all such concerns and pursuits out of his life forever. There is something almost pathetic in this. First, that he closed this treatise and issued into the political lists fresh from these particular precepts. Next, that in form he addressed the serious monition to a son [1] who like Fenelon's Telemaque was not far from the entry into the world, and finally that he has left a work for the nobler youth of all time. It is not a matter of importance to differentiate what he owed [2] to the older Stoic Panaitios and what to Posidonius of Rhodes, pupilage to whom he always gladly acknowledged. On the other hand even here something may be gained for our biographical concerns. Here too Cicero with no eruditional purpose whatever strove to Latinize precepts which he loved and cherished, and all this with the satisfied consciousness of the Eclectic, who was more delighted in meeting the same larger features, the same countenance, may I say, of Truth in different schools, than concerned in urging the differences, or the didactic originality of any one of them. Incidentally he desired to enrich the slender stores of Latin expression. His personal claim was primacy in presentation. Surveying the long gallery of Greek worthies for some one, who like himself combined oratory with philosophy, but one solitary figure occurred to him, viz. Demetrius of Phaleron. Here then is presented all the concrete variety of right living and correct conduct, that median level which appeals to all men and not to the ideal sage alone. First the virtues of the Intellect, and then Fortitude, Justice, Self-control, venerable categories. In the second book he deals with Utility and the kindred type of motive, the relations and inter-relations of men, and the sources of coherence and affection in these social matters. The different classes of utilities are balanced and compared. In the Third Book (Posidonius) the conflict of interest and moral law, of advantage and prin-

[1] Off. 2, 45. Seneca de Benef. 4, c. 30, "Der Helden Söhne taugen nichts."
[2] Sen. Ep. 95. Hirzel, 2, p. 326. Diog. Laert. VII, 107 sq.

ciple, are set forth. It is contrary to the plan of the Universe (Stoic *Nature*) to impair the substance of another, not so, to strive and sacrifice for the welfare and felicity of many. His own environment, his own life, his large experience and varied observation, incessantly intrude into the academic paragraphs of his Greek scrolls, and it is this which demands some setting forth in this biography. Of such material there is more to be found here than in any other of his philosophical treatises. Here are glimpses and reminiscences of almost every period of his life, a life ever turned upon the larger aspects of events. The political present now looms large. Caesar's death he rates a confirmation of sound political axioms and postulates. The oppression practiced by Antony does not add any gentleness or relative appreciation to such visions and estimates. "This was recently made manifest by the recklessness of C. Caesar, who deranged all human and divine things on account of that personal primacy which he himself had designed for himself by a fallacy of notion" (1, 26). "There are indeed many persons eager for distinction and glory, who wrest from some one that which they may present to others, and they think they will seem to be beneficent to their own friends, if they enrich them in any fashion whatsoever. Therefore the transfer of funds by L. Sulla, by C. Caesar, from the legal owners to strangers, ought not to seem liberal" (1, 43). Ennius: "whom they fear, they hate: whom all men fear, his fall is public weal." And " that to the hatred of many no power can prove a bar, if that was not known before, was recently realized" (2, 23).[1] His vision of the state, the government at least and the constitution as utterly disrupted (2, 2–3), all this is uttered more abruptly, more radically, than in philosophical books so rapidly produced before Caesar's death. The Second Philippic and the *de officiis* were composed at one and the same time: notes and sentiments of the one recur in the other. Cf. 2 Phil. 77 with off. 1, 139; 2, 20, 23; 3, 84. I close this chapter with a body of references which may be welcome to students of Cicero's character and life.

Cato Maior referred to: 1, 151; de Republ. 2, 60; Hortensius, 2, 6; Academ. 2, 8; Laelius, 2, 31. His translation of Xenophon's Oeconomicus, 2, 87. Figures from political history: Crassus, 2, 57; 3, 75. Caesar, 1, 26, 43, 64; 2, 23; 26; 3, 19, 83. Cato of Utica, 1, 112; 3, 66, 68. Cato Censorius, 1, 37. L. Crassus, 2, 47. Pompey, 2, 57. Lucullus, 1, 140. Antony hinted at or described: 2, 28. Nasica, 2, 43; Gaius Gracchus, 2, 72, 80. On Electoral corruption: 2, 63. On the Times: 2, 20, 22, 23, 27, 29; 3, 2, 35, 57, 64, 65, 77 (reply to Antony), 86, 139 (2 Phil.). On his principles and life: 1, 79, 83, 88; 2, 2–3; 79. On eloquence, 2, 48 sqq. his offices in the government, 2, 59, consulate, 2, 84.

[1] Cf. 3, 19, on the moral worth of the regicides. Add 3, 83, qui rex populi Romani dominusque omnium gentium esse concupiverit.

## CHAPTER TWENTY-ONE

*THE LAST YEAR OF CICERO'S LIFE*

### 43 B. C.

Antony had completed his circumvallation [1] of Mutina, where Decimus Brutus was cooped up. At last had come the day—it seemed almost a mere vision to him—which Cicero had so eagerly looked forward to since the Ides of March. On the Kalends of January there were inaugurated Hirtius and Pansa, Caesareans indeed, and once named for the consular office by the Regent himself. They meant to govern however with the cooperation and consent of the senate. Cicero, now sixty-three years old, childless in a way, and alone, hoped to be himself once more and to resume that life and those labors, which in all his being and experience were the most precious to him. The new consuls made their report on the state of the government. The most conspicuous item was Mark Antony. What of Mutina? Fufius Calenus was the first speaker invited by the consul. He was a spokesman for Antony always and in the face of any circumstances. Then the jurist Servius was called upon, after him P. Servilius Isauricus, probably the oldest consular in that assembly. Cicero was fourth. Some were in favor of recalling Plancus from *Gallia Comata* and giving it to Antony. Indeed, was not all the so-called legislation of Antony illegal and passed in defiance of constitutional precedent? Was not his appropriation of the public funds gross robbery? [2] What of the traffic in privileges carried on in Fulvia's boudoir? Antony's entire administration was reviewed in scathing terms together with all ignoble features of his private life (15 sq.). If envoys were sent, Antony would not heed them. The senate must now act with solidarity. The present war (of Mutina) is begotten (32) from the hope and prospect of spoliation and of confiscation. "I have read a letter of Antony's to this effect: 'what you are setting your desires on is your concern: what you shall set your desires on you shall surely have.' Cicero intimates that the ulte-

[1] Lange, 3, 520. Dio 46, 35.

[2] 5 Phil. 5 sqq.

rior project of Antony was to penetrate into Further Gaul and thence to return with such force as to enable him to capture the capital. Perhaps the orator, by such a declaration, hoped to keep Plancus and Antony widely apart. Therefore also Lepidus, governor of Narbonensis and northeastern Spain, was commended in Cicero's motion. To Octavian credit was given (42) for the very existence and preservation of Senate and Senators; his extraordinary energy of initiative was extolled. Cicero moved that a praetorian imperium be bestowed upon the youth; that he enter the senate and have there the right of debate with the quaestors, the juniors in that body. When Cicero expressed his conviction (50) that Caesar's young heir had condoned the deed of the Regicides, we do not know whether Octavian had actually instilled such notions into Cicero's mind, or whether Cicero was simply deceiving himself by believing that which then was the most attractive thing to believe. "I have gained a close acquaintance with the young man's sentiments. Nothing is dearer to him than the government, nothing weightier than your prestige, nothing sweeter than true glory." Cicero in terms [1] pledged himself for the youth's loyalty to the senate (51). The quaestor Egnatuleius, who brought Legion IV over to Octavian, was to be given the privilege of being a candidate for office three years before the regular time. Donatives and lands were to be given to Octavian's soldiers. This was the *Fifth Philippic.*

On January 2 the discussion of the senate was continued. The Tribune Salvius checked extreme resolutions hostile to Antony. So the matter went over to the third, when Cicero's motions were adopted. On January 4th however a temporizing motion urged by L. Calpurnius Piso was approved. A motion prevailed to send envoys to Antony. The latter was to be ordered to withdraw south of the Rubicon.[2] But Cicero referring to Mutina thought of Hannibal and Saguntum. He knew that Antony would not permit the delegates of the Senate to enter Mutina in order to communicate with Decimus Brutus. It would all be but a waste of time. Later in the day, on the Forum, before a huge multitude, Cicero told of all this action in the *Sixth Philippic.* Their own freedom too was now at stake. The delegates chosen for this difficult mission were these: Servius Sulpicius the jurist represented the constitutionalists, L. Calpurnius Piso the older Caesareans, and L. Marcius Philippus probably or possibly repre-

[1] Promitto, recipio, spondeo. [2] 6 Phil. 5.

sented the interests of his stepson Octavianus Caesar. Hirtius was to go to the war and unite with Octavian. But he was still quite wan[1] and feeble from a lingering disease. Of course no decisive action could be taken until the envoys returned. This is the epoch in the orator's life when he not merely assumed a certain leadership, but put himself forward (as the leader) both to senate and people.[2] Writing to Gaius Cassius the Regicide, about February 2nd, he once more expressed his keen regret that Antony had been spared on the Ides of March. (Fam. 12, 4.) He is deeply displeased with the envoys Philippus and Piso. They were now bringing impossible counterdemands from Antony in the North. Servius died during this winter tour, in the public service. Night and day Cicero was laboring for what he conceived to mean salvation and freedom for the citizens. (Fam. 9, 24, 4.) That this labor might mean the end, might bring on the end, this to him in the still hours of self-communion was a familiar thought. His bridges he certainly had burned. Not long before the return of the envoys, early in February, Cicero delivered his *Seventh Philippic*. He vigorously advocated war, war with Antony: he who hitherto had always urged peace in civil dissensions. Antony had sent letters to Rome, letters filled with sanguine prospects for his partisans: these letters, much to Cicero's disgust, had been copied and thus spread about (ib. 5): peace and composition were a mere make-believe and pretense. All the visible acts then recently taken by towns or districts (e. g. by Firmum or by the Marrucini) certainly meant war quite distinctly. "What the envoys have done (26), we do not yet know. We cannot feign humility, we must not feign any expectation of equity and composition. Let Antony first obey the senate, then there will be the proper time for arguing about peace!" Pansa was still at Rome, organizing new forces which were large and considerable. (ib. 27.) There were voices arguing a milder course. L. Caesar, an uncle of Antony, urged a resolution declaring the existence of *tumultus*, a state of arms, a troubling of peaceful conditions, but not a regular war, as between Rome and a foreign state. It is this matter which Cicero took up in the *Eighth Philippic*. Was not Antony waging war on Decimus? Were not Octavian and the consul Hirtius waging

[1] 7 Phil. 12; 8 Phil. 5. Fam. 11, 8: omnia erant suspensa propter expectationem legatorum. Cf. Fam. 12, 24, 2.

[2] Me principem senatui populoque Romano professus sum. *Fam. 12, 24, 2.*

war on Antony? He had recently driven a garrison of Antony out of Claterna, on the Aemilian Way. It was indeed a war, the fifth Civil War in Cicero's lifetime. What indeed does Antony represent? All property is to be the loot of his mercenaries: mansions in town, villas in the country, as far down as Puteoli (9). Auctions are to bestow sudden wealth: the *hasta*, the auctioneer's spear, will be raised once more. Fufius Calenus indeed had extolled the blessings of peace. But he meant servitude. Did Calenus perhaps look forward to association with Antony in the enjoyment of irresponsible power? Fufius had hitherto prospered in Caesar's civil wars. When an armed faction is for the overturning of order and property, what peace can there be? In the body politic (as in the body of man) there are times which call for cauterizing and amputation. Calenus had favored Clodius. When Antony treated our envoys with contempt, you, Calenus, still favor and defend Antony (18). This Eighth Philippic strove in great measure to discredit Antony's champion at the seat of government: "why are you not now devoted to the people's cause?"

This seems to be a very suitable point to insert some notice of the enormous speech, which Dio Cassius puts into the mouth of Fufius Calenus in answering Cicero in the course of what we may simply call the Antonian debates of 43. Dio Cass. 46, 1–28; one must weigh the mere bulk of this composition, twenty-eight chapters. Dio made no attempt to give in some orderly sequence the debate or senatorial transactions as connected with the long series of Philippics. That some model or pattern for this was in Livy, must be doubted. It was an opportunity of setting up a Thucydidean pair of speeches, so dear to the practice of Dio Cassius. The hatred of Dio for Cicero is simply unfathomable. But as for the origin of the fearful stuff brought together in Calenus' "Invective," there is little doubt that Dio got his points in part from Cicero himself, and many of them from the Second Philippic, which Plutarch too seems to have excerpted with some care. We are indeed here dealing not with Calenus, but with Dio himself. It is in a way a foil to, a reply to, the Second Philippic: and a vigorous effort is made to deal with the character and career of Cicero in a similar sweeping manner. The ignorance of Dio is sometimes painful, e. g. (c. 2) he makes Cicero responsible for the S. C., Jan. 49, in consequence of which Antony as Tribune fled from Rome. But Cicero was not even physically in Rome, was returning from Cilicia and was an earnest advocate of a compromise. Of the hopelessly weak trash, e. g. of ch. 6, we cannot speak: that Cicero had no liberal education! Dio used the Second Philippic even to the point of cribbing points and sentiments from it.

Dio 46, 8, 1 καίτοι καὶ σχετλιώτατον καὶ ἐλεεινότατόν ἐστι, μὴ δύνασθαι ταῦτα ἀρνήσασθαι, ἃ πάντων αἴσχιστόν ἐστιν ὁμολογῆσαι.

2. Phil. 61. Quam miserum est, id negare non posse, quod sit turpissimum confiteri.

Pointless allusions to *Bambalio*, Dio, 46, 7.—Dio makes Cicero (c. 3) actually go abroad (ἀπεδήμησε) after Caesar's death,—but the stuff is too poor to notice here in detail. Dio indeed hated Cicero so intensely that he even puts into Cicero's own mouth the following passage (in Dio, 45, 45): "Peace, in which I both am influential, and did acquire wealth and reputation." One realizes, as decades and centuries passed by, that the Second Phil., more and more loomed as the discourse par excellence and a great document of the ultimate struggles of the Roman Republic.

Antony, we now learn, had carried on his siege operations against Mutina with undiminished energy during the time even when the envoys were with him. He had, as Cicero predicted, refused to grant them free passage to Decimus in the beleaguered city. Cicero is bitterly disappointed in the two envoys who returned. Antony's counter-offers were these (8 Phil. 25): "I abandon both provinces, I give up my army, I do not refuse to be a private person, I forget everything, I am willing to be reconciled, provided you give bounties and land to my six legions, to the cavalry, to my body-guard." Further it is reserved, "that the lands which he (Antony) himself has given conjointly with Dolabella, shall be kept by those to whom they have been given." Antony also demanded that the written ordinances of himself and Dolabella shall remain valid; that the accounts of the funds formally deposited in the temple of Ops should not be reopened, i. e. that he should not be called to account for appropriating that treasure. The seven land commissioners also should not be made responsible for their acts. Whatever his followers had done against the laws, should be beyond prosecution henceforward. His jury-laws should not be cancelled. For Cisalpine Gaul he demanded *Gallia Comata* (Long-haired Gaul), Caesar's conquests, together with six legions, and these brought up to their full complement from the army of Decimus Brutus, *and that he* (Antony) *shall hold these legions as long as M. Brutus and C. Cassius shall hold their provinces, he himself to hold Gallia Comata for five years.*" Antony's envoy Cotylas had actually been admitted to the floor of the senate. Cicero (8 Phil. 30) intimates that his devoted energy is an object of envy in certain quarters. He recalls the firm industry of the

Augur Scaevola during the Italian war. In the end he moved that those soldiers of Antony who should come over to the consuls, or to D. Brutus or to Octavian before the fifteenth of March, were not to be held liable for their previous service. This was carried. In the *Ninth Philippic* the theme was the particular form of civic honor to be bestowed upon the memory and the services of the deceased envoy of the state, Servius Sulpicius Rufus. The jurist had not considered his feeble and precarious health in undertaking this mission during the inclement season. Antony, Cicero claims, had given voice to his satisfaction at the death of the champion of the senate. The consul Pansa had particularly urged that the aged gentleman should accept this mandate. He was indeed the greatest[1] jurist in the annals of Roman Law. He had been a conservative in the best sense of the word, and his love for the simpler life of the past deeply separated him from the luxury of his own time. Cicero moved a statue "on the rostra" (near them) to be paid for from the public treasury, together with a state-funeral, and a funeral plot in the Esquiline cemetery or elsewhere, thirty feet square, to be a burial place for his descendants also.

Pansa was still in Rome and presided when Cicero delivered his *Tenth Philippic*. Fufius Calenus had spoken before him. There were under discussion certain bulletins which Marcus Brutus had dispatched to the Great Council. Brutus had operated vigorously in Achaia, Macedon, Illyricum. Cicero once more cordially commended the "Liberator" of the Roman empire, the preserver of the constitution. Beyond Adriatic and Ionic Sea Brutus had been very successful (9). Antony's brother, Gaius Antonius had been compelled to yield at all points, Gaius, who, as Cicero quite properly claimed, represented his brother Marcus alone, not the state or the Roman government. Gaius Antonius at that time was confined to Apollonia on the coast; his entire forces there were not more than seven cohorts. Young Marcus Cicero, invited by Brutus, had[2] quitted his studies at Athens, taken the field and even acted independently; a legion commanded by L. Piso surrendered to the orator's son. Dyrrachium had opened its gates. All of these military successes Cicero quite sincerely conceived as successes of the constitutional government of Rome. Can anyone call

[1] Digest, 1, 2, 43.

[2] As had young Horatius Flaccus of Venusia in Apulia.

Brutus sluggish? The veterans are displeased? But these are those who desire the subversal of Caesar's acts. Are not Hirtius and Octavian the truest representatives of Caesar's acts? And it is they who are striving to raise the siege of Mutina, to defeat Antony (16). Always it is the veterans who must serve to thwart the public interests! But the fear of the veterans, whether well founded, or a mere phantom, must not sway the senate. Freedom once more! And if the crisis does come, why not give up for our country the breath of life, which nature has loaned us. The conscriptions of Pansa have endowed Italy and the capital with resolute confidence.[1] In conclusion Cicero moved that the senate approve the military acts of M. Brutus in Macedon and Illyricum, confirm his future acts and legalize his appropriation of public funds and supplies; also to call upon him to keep as near to Italy as possible. Q. Hortensius is to hold Macedon.

As to the East, then, the orator felt confident and secure. In this sanguine frame of mind he wrote to Cassius in the second half[2] of February. He praised the swiftness and the efficiency of Brutus. "If you control what you think you do," the republic stands on a sound foundation; we will be fortified from the western coast of Greece as far as Egypt. Antony has now withdrawn most of his siege corps from Mutina, having thrown a large garrison into Bononia (Bologna): Hirtius is at Claterna, Caesar (Octavian) at Forum Cornelium.[3] The winter had of course checked operations. Cassius was successful in uniting the Roman forces in Syria. (Fam. 12, 11.) He so reported from Tarichia, on the Lake of Galilee. In the final days of March it was reported at Rome how Dolabella had treacherously slain Trebonius, the governor of Asia, at Smyrna. It is this which gave Cicero the theme for his *Eleventh Philippic*. After all the spirit and the character of that precious pair (Antony and Dolabella) is the same; only Dolabella had found his opportunity a little earlier. Dolabella had inflicted cruel tortures on his victim before putting him to death. Cicero realized that now was an opportunity to rouse his colleagues, for the ruthless cruelty[4]

[1] Urbem totamque Italiam erexit, § 21.

[2] O. E. S. in Mendelssohn's edition of *Ad Fam.* p. 458. Fam. 12, 5.

[3] On the via Aemilia.

[4] *Phil. 11, 5.* If we compare *Appian, 3, 26,* we observe that he does not agree with Cicero. The latter's relation makes Dolabella *much more cruel* than does that

of Dolabella had enraged most of the senators. The deed is delineated by the orator with that skill which he had applied before many a jury. "Really Antonius has been his preceptor." In praising the fortitude of Trebonius, Cicero is filled with the spirit of Stoicism. The senate, on the day before Cicero delivered this discourse, had declared Dolabella a public enemy by a unanimous vote. "To think, that this monster was once connected with my family." Cicero proceeds then to enumerate and characterize the chief creatures and favorites of Antony; politicians, military men, actors. They were thirsting for office and wealth, if Antony should succeed. "What will they perpetrate, when the field will be unmolested for them!"— Who was to undertake the war against Dolabella in the East? L. Caesar moved to create an extraordinary command, to assign the task to one then in private life, i. e. to submit it to a popular election. It is true, young Octavian had received a command of this sort. But we then had no choice in the open preference of the veterans (25). Another motion was to have Hirtius and Pansa draw lots for Asia and Syria, i. e. after Decimus Brutus in Mutina had been set free. Better to concentrate all plans and energy on the latter task, without any programme of ulterior things, which might weaken resolution or distract the minds of our commanders. Cicero intimates (23) that the consul Pansa [1] had really been engineering this motion. He admonished the latter not to permit such an impression to prevail. Of course Hirtius, up in the north, could not be involved in such a suspicion. First save Decimus in Mutina, whose salvation is bound up with the continuity of the state. No: either Brutus or Cassius, or both together, must undertake the war against Dolabella (26). First at least let Brutus wrest Apollonia from Gaius Antony. After that Brutus should be permitted to act on his own discretion. At the present moment Brutus cannot go to Asia: that would mean to abandon Greece. Brutus and Cassius have been their own senate in many things (27). Circumstances are sometimes stronger than tradition. He seized Macedon, although technically Crete alone was his province.

of Appian. Cicero tells of a two days' period of torture. Is it not the deliberate pen of Pollio with which we are confronted in Appian?

[1] On April 12 he wrote quite freely about it: repugnante et irascente Pansa sententiam dixerim ut Dolabellam bello Cassius persequeretur. *Ad Brut. 2, 4, 2.*

He seized the cavalry of Dolabella, although technically the latter was a consul, and he was not. So too Cassius had striven to keep Dolabella out of Syria; by what right? "By an ordinance of Jupiter himself,[1] viz. that whatever was wholesome to the commonwealth, should be deemed statutory and correct." Cicero therefore moved that the previous acts of Cassius be approved, and that Syria be committed to him, he having proconsular rank; that furthermore his power should be supreme in Asia, Bithynia and Pontus (30); and still more: that in every province into which the war would carry him, his authority was to be superior to that of the governor, who might be there at that time. The potentates of the East were called upon to aid Cassius in every way. The present consuls, as soon as Antony were defeated, should have the senate debate on the consular provinces. No further choosing of power by the sword then henceforth! Q. Caelius Bassus still had a corps of his own in the East, and he was friendly to the senate. Deiotarus of Galatia, father and son, are highly commended. This would mean great power for Cassius, very true, but should Antony and his brothers rather have it? Should we be on our guard against the veterans? which veterans? Some are with Antony, others with Octavian and against Antony, and still others, viz. those of the VII and VIII legions are resting or neutral. How long is the senate to stand in awe of the veterans? New soldiers too are coming forward; the troops of Pansa, of Hirtius, of Caesar Octavian, of Plancus, are now in their prime. They too have something to say. — But Cicero's motion was not adopted. The presiding consul Vibius Pansa opposed it very vigorously. (Fam. 12, 7, 1.) Cicero then urged the same matter in an address on the Forum, being introduced by the Tribune M. Servilius, a kinsman of Cato, and speaking with more than ordinary energy. Cassius' own mother-in-law Servilia disapproved of Cicero's course: it would offend the consul Pansa. The latter clearly did not wish to burn all his bridges: the senator Cicero had long done so. On March 19th Pansa had the senate debate on sending new envoys to Antony. This was adopted and *Cicero himself* was named as one of the emissaries. His colleagues were to be P. Servilius, and Fufius Calenus, L. Piso, L. Caesar: distinctly an impossible body of commissioners. Dio (46, 32) suggests that it was An-

[1] In defining *Law* he reiterates the Stoic doctrine adopted in *De Rep.* and *De Legg.*

tony's partisans who desired to deliver the author of the Second Philippic into the hands of the besieger of Mutina. Even Pansa was for peace with Antony, and urged that he harbored no treacherous designs against Cicero. Cicero protests against the whole plan in the *Twelfth Philippic*. He had, said he, made it a practice, closely to study the miens [1] of Antony's supporters at the capital. Of late a gloom was observable there. Did they privately learn that he contemplated abandoning the siege? An embassy would signify fear, a retreat of the senate from its constitutional position. It would impair the *morale* of the troops campaigning against Antony. At that moment Cicero had in his hands reports from Hirtius and Octavian breathing hopes of a successful issue. Yielding to Antony's demands would not bring peace, but merely postpone the inevitable war. Antony's coming to Rome can have but one result: viz. that he will lay a heavy hand — a crushing hand — on public affairs. The mere coming of his peculiar creatures and retainers would prove ominous for Rome. Piso was indeed profuse in the affirmation of his unbounded confidence in Antony. But for himself Cicero had no illusions. "Either I will have to use your line of action (15) viz. to yield, to go away, lead a life of bitter want, awandering on the face of the earth, or give up my neck to the bandits, and fall on my country's soil." A prophecy. I am not in harmony with the other envoys named. I cannot meet Antony. The world knows the public addresses that commander made before his troops.[2] Why, even recently he declared in public that he made a present of all my worldly possessions to Petusius of Urbinum. I cannot meet his brother Lucius with that cloud of swashbuckling creatures and retainers, nor politicians like Bestia, Trebellius or Bursa. (Even then Antony or his brother on stated occasions went through the form of allotting bounties to be realized later on from Cicero's possessions.) My life may indeed be of no value for myself: the unspeakable crimes of Dolabella have made me weary of living, but my continued existence is of some importance to the senate and Roman people. My toil, my exertions, my perils, to say nothing more, have certainly not been a hindrance to the public welfare (21). What will my personal security be, if I set out for Mutina? And this too, whether I go by the Flaminian, Aurelian or Cassian way.

[1] Fautores Antoni, quorum in vultu habitant oculi mei. *12 Phil. 2.*

[2] Probably in reply to the Second Philippic.

Must I not fall into the hands of *Ventidius*[1] *Bassus?* Even recently on February 23 (the Terminalia) I did not dare to visit a place near Rome, to return the same day. No, I shall not leave Rome. It is the twentieth year since I have been a marked man, hated of all who would subvert law and order and property. My exile was voluntary. I desired to preserve myself for future public usefulness. It is not long ago that Trebonius trusted Dolabella. Here in Rome I can fairly guard myself. As to the footpaths of the Apennine, I am not so sure. After that Antony and his camp. I know the furious whims and impulses to which he is subject. Would it not be supreme folly for me to place myself in his power? A soldiers' riot could easily be excited against me. In these times[2] the soldiery hold themselves as those whose sword could review any action of the Senate. Unconsciously Cicero here touched upon the essential factor which was threatening and rapidly undoing all the vain work of constitutional restoration. He did not go.

On March 20th Pansa marched out with the new conscripts to join Hirtius and Caesar's heir in the north. These took Bononia without a blow[3] but were stopped by the river near Mutina. They tried to signalize to Decimus by beacons from the tree-tops. Finally they established communication by divers. As Cicero was striving to hold furthest Gaul and Africa for the Senate, so too he endeavored to secure the adhesion of Pollio in southern Spain. The loyalty of that gifted Caesarean had been mainly to the person of the Regent. He wrote to Cicero from Corduba that he was firmly opposed to monarchy or any equivalent of it (without naming Antony). (Fam. 10, 31.) Pansa had by an official communication requested him to declare for the senate. But Lepidus, whose provinces and armies were between him and Italy, had come out for Antony, he rejoined, both in military addresses and in correspondence. As for himself Pollio at that juncture of affairs saw no source of authority but the senate. Whatever the future, Pollio had determined to march into Italy with his legions, for this is a time,

[1] A native of Asculum Picenum, and of very humble origin there, Gell. 15, 1, about 46–47 years old at this time, at first a *mulio*. He served Caesar in Gaul and, promoted by him to the senate, rose to Praetorian rank.

[2] Ad suam vim omnia nostra consilia revocantes. 12 Phil. 29.

[3] *Dio, 46, 36. App. 3, 65.* The latter's presentation of the sequence of events is badly confused.

he wrote (with eminently good judgment), "*when legions are needed much more than provinces.*" Now I do envy my friend, Cornelius Gallus, who is able to enjoy your company. With Lepidus in Narbonensis Cicero holds a diplomatic tone, still he calls Antony an utterly pernicious individual.[1] Should peace restore Antony's power, then all sane men may well prefer death to slavery. (Fam. 10, 27.) He means a peace by parley and through the acceptance of Antony's terms. Plancus in the farther Northwest was then still expecting some official recognition of his military exploits, and to have been thus far deceived in his hope for a *supplicatio.* (Fam. 10, 7, 2.) Cicero's voice was the most influential on the floor of the senate. It was the last free senate in the history of Rome. Even then emissaries of Antony were active among the troops of Plancus, he writes. He was trying, he claimed, to make them willing to accept moderate rewards from the state rather than vast bounties of a single person. (Fam. 10, 8, 3.) He frankly admits that he has been compelled by circumstances both to pretend and to dissemble, as a matter of self-defense. — Did Cicero believe him? The position of Plancus indeed was full of tremendous difficulties. The minor dynasts must have been incessantly ruminating on the same food of reflexion: viz., on the problem of to be or not to be. In Plancus' letters the mailed fist certainly was covered with a glove of velvet. The world was full of little Caesars. The letters from Lepidus and Plancus to the senate suggested a peace, or some kind of settlement. It is this contingency which Cicero discusses in his *Thirteenth Philippic.* Of course he repeats many things, especially the survey of Antony's public acts. As we now understand that time from sequence and issue, we know that Cicero deceived himself, when he insisted that, while the provincial governors had certain legions, these latter really belonged to the state. Can Antony and Sextius Pompey live in Rome together? Certainly not. Pompey was willing to march to Mutina, only he was apprehensive of the veterans. Lepidus? Yes, he had been intimidating us somewhat: but his troops belong to the government of Rome. What a man has the physical power to do, and what he *may* do, are two different things. The senate insists on being respected.

Now most opportunely Cicero had received from Hirtius a letter which Antony had sent to the latter and to Octavian.

[1] Perditus homo.

This letter Cicero read to the senate piece-meal and commented on it in his own way. But for the purposes of this biography it seems best to restore the integrity and continuity of this missive.

"Antony to Hirtius and Caesar.[1] Upon learning of the death of L. Trebonius, I did not rejoice more than I grieved. One must rejoice that the crime-stained man paid the penalty to the ashes and to the bones of the most renowned man, and that the power of the gods revealed itself before the turning year expired, when either the penalty of the parricidal act had actually been paid or was impending. One must heave a sigh that Dolabella should have been adjudged a public enemy. It is indeed a very bitter thing, that you, Aulus Hirtius, garnished with favors by Caesar and left by him in a state at which you yourself marvel; and that you, boy, that owest everything to a name, should work to the end, that Dolabella be justly condemned, and that the professional poisoner be freed from siege, to the end that Cassius and Brutus may be as powerful as possible. Of course you regard the present situation in the same way as the former one. You were wont to call the camp of Pompey 'the senate.' You have had the defeated Cicero as your leader. You are securing Macedon with armies. Africa you have entrusted to the thrice captured Varus. You have sent Cassius into Syria. Casca you have suffered to hold a Tribuneship. You have deprived the Lupercal brotherhood of its Julian revenue. You have abolished the colonies of Veterans established by a law and a S. C. You are promising to restore to the people of Massilia the things taken from them by the right of war. You keep saying that no Pompeian, provided he is alive, is liable under the Hirtian Law. You have set up (*subornastis*) Brutus with the money of Apuleius. You have eulogized Petraeus and Menedemus, men who have been beheaded, and who were guest-friends of Caesar. You were indifferent to the fact that Theopompus was driven out, stripped, by Trebonius, and sought refuge in Alexandria. You see in camp Servius Galba, girdled with the same poniard. You have gathered soldiers who were either my own, or were veterans (this against Octavian) as though for the destruction of those who had slain Caesar, and goaded them on, without their being aware of it, into the danger of their quaestor[2] or commander-in-chief, or their fellow-soldiers. Finally, what have you not either approved or done, which Cn. Pompey himself might do, if he were to return to life, or his son if he could be at home? Finally you declare that peace cannot be made, unless I permit Brutus[3] to go free, or assist him with grain. What? Is this agreeable to the veterans who as yet have reserved their line of action on everything? You have come to ruin them by flatteries

[1] Gardthausen, Augustus, vol. 1, p. 98.

[2] Egnatuleius.

[3] Decimus in Mutina.

and poisonous gifts. But you are bringing aid to soldiers who are blockaded. I have no objection to having them spared or go whither they list, if only they suffer him to perish who has deserved it. You say that mention of harmony has been made in the senate, and that five ex-consuls have been named as delegates. It is difficult to suppose, that they who drove me headlong when I offered the fairest terms and still designed to abandon some of them, are going to act at all with moderation and finer feeling. Hardly also is it probable that the same men who have judged Dolabella a public enemy on account of a very proper deed, should be able to spare me who hold the same convictions. Therefore attend ye rather, whether it be in better taste or more useful to the party, *to avenge the death of Trebonius, or that of Caesar*, or whether it is fairer that we should rush to the assault, in order that *the cause of the Pompeians so often slain* should the more easily gain a new life, or come to an agreement that we shall not be the laughing-stock of our personal enemies,[1] to whom it will be a matter of profit, whichever of us two shall fall, a spectacle which Fortune as yet has avoided, that she may not see the two lines of battle in conflict, with Cicero as the trainer of gladiators, who is fortunate up to the point of having deceived you with the same paraphernalia, with which he boasted that Caesar was deceived.[2] My mind indeed is made up not to endure the insults directed at me or my followers, nor to abandon the party which Pompey hated, nor to permit the veterans to be dislodged from their abodes, nor to have one man at a time dragged to torture, nor to break the pledge which I have given to Dolabella, nor to break my association with Lepidus, that man of faithful devotion, nor to betray Plancus, a partner of my designs. If the immortal gods shall aid me moving along as I do with upright feelings, I shall gladly live. But if some fate awaits me, I forestall the joys of your executions.[3] For if the *vanquished Pompeians* are so high and mighty, you are rather going to learn what kind of people they are going to be when they are victorious. Finally the sum-total of my own judgment aims at this, that I may be able to endure the wrongs inflicted on me by my own partisans, provided that they either be willing to forget, that they themselves have done it, *or are prepared jointly with myself to avenge the death of Caesar.* That envoys are coming, I do not believe. When they shall come, I shall learn their demands."

Cicero ended by moving a formal commendation for Sextius Pompey. It seems (13, 48) Ventidius Bassus had now joined

[1] Chiefly Cicero.

[2] Cicero's comment on Antony's personal abuse contains, I believe, a reference to Antony's consular speech of Sept. 19, 44 and also to Cicero's rejoinder by means of the 2nd Philippic: Pergit in me maledicta, *quasi vero ei pulcherrime priora processerint.*

[3] No quarter was expected on either side.

Antony, or at least was moving to join him. About April 1st the crisis at Mutina was felt to be close at hand. Decimus could not hold out much longer.[1] If the siege be raised, Cicero felt the victory was won; if not, then there would be a general flight to Brutus and Cassius in the East. Cicero himself had faith in Hirtius and Pansa. The greater part of the observers of public affairs had not.[2] Brutus now had captured Apollonia and Gaius Antonius in that town of Epirus. The regicide had received Philippic V and X. "Now of course you expect me to praise them. I do not know whether these little publications contain more distinction of your emotional side, or of your native ability. Why, I have no objection even to have them entitled *Philippics* which you wrote in a certain letter by way of jest." He goes on to say the most crying need with him were money and reinforcements, and speaks with indignation of the way in which Dolabella then was looting in the province of Asia. Then come words which were very sweet to the father. "Your son Cicero so approves himself to me, by his industry, patience, endurance, lofty spirit, every kind of duty, that he positively never puts out of his mind whose son he is." (ad Brut. 2, 3.)

On April 8th a personal letter from Plancus to Cicero was delivered by a financial gentleman who had operated in that province. Cicero was overjoyed and believed all the pretty sentiments; and against the bitter opposition of Servilius succeeded on April 10th to have adopted a S. C. drawn by himself, strongly approving and commending the governor of Gallia Comata. Cicero, who steadily believed that debates and resolutions could still direct and determine the affairs of the Roman empire, was sanguine about it. He at once informed Marcus Brutus of the accession of material strength to the constitutional cause, so much the more welcome, as Lepidus was without equipoise or balance and in a state of bitter feud with some of his nearest kindred, such as his own brother Paullus Aemilius Lepidus. (ad Brut. 2, 2.) Marcus Brutus in Epirus saw many things more soberly than Cicero, e. g. to his vision and judgment Octavian was (even then) the leader of the party of Caesar.

[1] Brutus Mutinae vix iam sustinebat. *Fam. 12, 6, 2.*

[2] *Ad Brut.* 2, 1. From Middleton's time to C. Fr. Hermann the genuineness of these letters was generally doubted. The latter argued for their authenticity. Goett. 1845. Tunstall and Markland had been the chief champions of negation. Of course Fr. Aug. Wolff also.

Both dynasts were dead, but the names, the cries of defiance from their partisans, were among the most palpable facts in the political struggle of the hour.

At last matters came to a crisis on the *via Aemilia*. Pansa was coming on from Bononia to join the camp of Hirtius[1] and Octavian with his conscript legions. Antony had marched out to intercept this advance. But even before this Hirtius had sent out Servius Galba to be an escort to those new levies and to quicken their movement into the haven of the common camp. Antony had the IId and XXXVth legions, with two cohorts of guards. The conflict came on near Forum Gallorum (Castel Franco), where the via Aemilia was built as a causeway through marshes in which Antony had concealed his infantry. At first the *Martia* drove back the XXXVth legion, charging with a fury unappeased since they had witnessed Antony's cruelty at Brundisium in the preceding November. They would not heed the restraining commands of Pansa. On the whole Antony was entirely successful, the hardest fighting being on the causeway itself, where the guards of Octavian were posted. Antony's cavalry was far stronger. The troops of the Roman Senate sought refuge in the camp, from which the recruits do not seem to have advanced at all. When Antony assaulted this camp, he failed, and departed for his own camp. But in so doing he was met by Hirtius, who was coming to the rescue with the IVth and the VIIth legions, veteran troops, Hirtius himself bearing the eagle of the IVth. Antony with his fatigued troops gave way before sunset and made good his escape under the cover of night, having the advantage of his mounted men. Antony lost the greater part of the two legions. It was on April 15th soon after this good news was received; Cicero wrote to Marcus Brutus (April 21), reporting also that Octavian had made an admirable showing, but intimating that it would be more difficult henceforward to control the youth. (ad Brut. 1, 3, 1–3.) Octavian must be aware of his importance. A migration from Rome eastward had already set in; it was promptly checked by the news from Forum Gallorum. The bulletins of the victory reached the capital on April 19th. People flocked to Cicero's mansion on the Palatine in impressive multitudes: he now wit-

[1] Mommsen, Hermes, 17, 636. Ovid, Fasti, 4, 625. Suet. Aug. 10. Dio 46, 37. Appian, 3, 66 sqq. Gardthausen, p. 99 sqq. Monumentum Ancyranum, 2nd ed. p. 11. 14 Phil. 27.

nessed the fruit of his toil and sleepless nights; they escorted him to the Capitol and down again, they placed him on the Rostra. "*For once I was popularis.*"—"I prefer to have others tell you this." Thus to Marcus Brutus. To the latter he intimated that Brutus should give but short shrift to Gaius Antonius, his prisoner of Apollonia. The senate convened under presidency of a praetor Cornelius; but still Antony was not yet branded as a public enemy. This was the plaint of Cicero in his *Fourteenth Philippic*, delivered in the senate on April 21st. Again he drew up an indictment of Antony, adding the atrocities of Lucius Antony, committed at Parma. What would Rome experience, if it were to fall into the hands of the brothers! Hannibal had been outdone. There had been some malicious talk, that the orator would now usurp power, talk which was deliberately spread in Rome before the good news arrived from the North. He intimates that most of the consulars then at the capital were swayed by hope or fear. Cicero approved the motion by old P. Servilius of the Thanksgiving of Fifty Days in honor of the victory. Also that a monument be erected for the soldiers who fell at Forum Gallorum, and that their bounties be paid to kindred of the dead.

On April 21 a second and more decisive battle occurred.[1] Hirtius and Octavian moved around beyond Mutina, to the west of Antony's position; they gained a sweeping victory and penetrated into their foes' camp, but Hirtius fell fighting near Antony's praetorium. Pansa was in Bononia, ailing from severe wounds received on the 15th. Antony marched towards the Alps with the broken remnants of his army, and Decimus at last was free, after sustaining a siege of nearly four months. At last Antony and his followers were declared traitors, the senate being convinced that Antony's fortunes were at an end. The Fathers were to warn that "*windy individual*," Lepidus, not to join Antony. (Fam. 11, 9.) The famous Xth legion was then under Lepidus. But I must make this military relation more concise. Octavian was too much a negligible quantity in the minds of the old Pompeians at Rome. Pansa died from his wounds. One of the regicides, Decimus, and the heir of Caesar were left as ostensibly representing the Roman government. Would they act in cordial harmony? Their forces remained apart. Ventidius the Caesarean, with his separate corps, crossed

[1] App. 3, 71. Dio, 46, 38 is confused.

the Apennine, and joined Antony at Vada some thirty miles southwest of Genoa. Decimus was out of funds and had no cavalry; any vigorous pursuit was out of the question. Plancus was in Savoy, but moved southward to be at hand when settlements were to be made. His letters to Cicero (Fam. 10, 13) remained very friendly and (on paper) as loyal to the senate as one could be, in a position as precarious as his was. He had now crossed the Isêre and was moving down the Rhone. It seems he was playing for a stake, viz. to be made consul in place of Hirtius. (Fam. 10, 21, 7.) Marcus Brutus in Macedon keenly disliked the honors shown by Cicero to young Caesar, whose succession to name and claims he obstinately ignored. (ad Brut. 1, 16.) Brutus charged the orator outright with servility as though a new Regent were in the saddle. Brutus is furious: It is better to be dead than to owe one's existence to such a permission or toleration, at the hands of such a boy! Why, it is your weakness and helplessness that is feeding the ambition of young Octavius. We could have flourished under the Regency of Antony, as far as pelf and power were concerned, had we so chosen. Has Caesar's death made no difference then as to freedom? Why, if my own father should arise from the dead, I should not suffer him to have more power than the laws and the senate! At such a price I do not care to live in Rome. To ask him to consent to our preservation![1] Can you not reason consistently? If Octavius is worthy of those honors because he is waging war on Antony, then the Roman people never is going to grant anything adequate to their merit, to those men (the Regicides) who destroyed that evil of which those individuals (Antony, etc.) are the remnants, even if they heap everything upon them! Rome for me is wherever I find freedom. You, Cicero, be true to yourself and to the noblest part of your career! You are vigorous in resisting Antony: do not weaken now in dealing with Octavius.[2] — One sees from Brutus' letter to Atticus (ad Brut. 1, 17) that Brutus was closer to Atticus than he was to Cicero. Why did Cicero make a personal and an implacable enemy of Antony? Was that necessary? Was that politically wise? *Kleio* will probably side with Brutus. All this furious feud had come from Antony's discourse of Sept. 19th, 44 B. C. Public opinion began to observe that Caesar's heir was beginning

[1] Brutus is so excited that he returns to this point again and again.

[2] Cf. Plut. Brut. 22 and Plut. Cic. 45.

to disclose his deep purpose of being Caesar's avenger.[1] Cicero, it seems, had made a motion to grant the minor triumph, *ovatio*, to Octavian, and the Tribune Casca, one of the Regicides, had made intercession. Brutus in Macedon, ever swayed by the consciousness of the regicide, considered Atias' son in a different light: that youth needs checking, curbing, repressing, not stimulating and coddling. Cicero's motions in the senate are dictated by fear. It is death, exile, poverty, which he fears. Brutus here reveals that uncompromising straightforwardness and disregard of the amenities, which greatly impressed that generation. That Octavian called Cicero "Father" was then known to the world, and to Brutus. Cicero is no longer free, he writes to Atticus; he is simply endeavoring that Octavius may be gracious (*propitius*) unto him; what avails Cicero's superior culture in the present stress of great political questions? "Indeed I place no value on those accomplishments, with which I know that Cicero is equipped in a supreme degree; for what advantage to him is what he has so copiously written in defense of freedom, of his country, on public honor, on death, on exile, on poverty?" Evidently Cato's nephew was determined to be, and to go on being, Cato II.

On May 18th Lepidus wrote to Cicero from a point between Aix and Frejus (Fam. 10, 34), still affecting hostility to Antony. Ventidius Bassus was encamped near by. Plancus wrote in the same spirit (Fam. 10, 18), having marched southward on leaving the Isêre on May 21st, awaiting Decimus Brutus. Both Antony and Plancus were now in the province of Lepidus, who was awaiting Plancus. All these political generals had no intention of sacrificing either themselves or destroying one another for the Roman senate. In northern Italy things began to look ominous for the capital. The IVth and the Martia refused to serve under the orders of Decimus. (Fam. 11, 19.) The latter even requested Cicero first to read the letters from Decimus through, *and to change anything where he saw fit.* This in a way was the beginning of the end. On May 24th Decimus had reached Eporedia (Ivrea) on the river now called Dorea Baltea, where one begins to ascend towards the St. Bernard. Still more serious and ominous news did Decimus send to Cicero from that point. A certain Labeo Segulius, a gossip and mischief maker Decimus intimates, had come to his camp, having recently been with

[1] Caesaris ultor (Horace).

Octavian. The latter had quoted an utterance of Cicero about Octavian to this effect: "that young person must be praised, equipped,[1] and manoeuvered beyond this plane," or "done away with": "*he* would see to it that he was not done away with!" Did Cicero say it? We do not know. His tongue for him was a restless instrument, if not of evil, then of danger. Endless were the sayings fathered on him too. Perhaps the troops of Octavian led the movement away from the senatorial government. Decimus was therefore loath to leave Italy for southern Gaul. Octavian was keeping one legion of Pansa's army. On May 30th the issue was really decided. On that day Lepidus wrote to Cicero that his own troops, as good patriots, wishing to avoid bloodshed, had received Antony and the latter's forces. Pity had overcome all factional feelings. So wrote the *homo ventosus*. But really we now should not judge of the merits of that situation from Cicero's point of view alone. Let us hear a much stronger mind, a much stronger character, than Lepidus. About the same time Asinius Pollio wrote to Cicero from the capital of his province, viz. Corduba in southern Spain. Pollio conceived the battle of Mutina as a great disaster to the state, an event, the news of which could not be late enough. He was a friend, both of Antony and Plancus, and did not at all conceal that. Vastly more independent and self-poised than the windy Lepidus or the shifty Plancus, he even censured Antony's action in the present letter to Cicero. For what? For having abandoned the siege of Mutina. And still: nothing was more dangerous, he continues, than to give Antony time for recouping himself. (Fam. 10, 33.) The elemental impulses of the gifted Pollio were patriotic. On June 6th Cicero knew not yet of that momentous coalition accomplished in the Provence. His general mood was still reasonably cheerful. (Fam. 11, 24.) It was planned also to bring some troops over from Africa to Rome. Plancus on June 6th was encamped[2] in the Provence, some 40 miles north of Antony, Lepidus and Ventidius Bassus, in that part of the Provence, southeast of Orange and Avignon, which is dominated by the graceful cone of Mont Ventoux, on the Druentia river or some tributary of the same in the country of the *Vocontii*. Then he drew northward again into the country

[1] Laudandum adolescentem, ornandum, tollendum. Fam. 11, 20, 1, cited by Suet. Aug. 12, without naming Cicero.

[2] Fam. 11, 23.

of the Allobroges, to Grenoble. Laterensis, deputy from the Roman government, was so upset by the sudden turn of affairs that he took his own life in the camp of Lepidus. Later historians like Velleius (2, 63) refused to credit Plancus with any sincerity whatever. But in the heat and stress of a coming crisis the minds of those whose very existence is one of the stakes of the game, are not as clear as our own, who deal with, but who are often swayed by, the definite and enduring results. But events and results by no means determine and dispose of each and all of the problems of histoirography. There is more hand-to-mouth action in this world of ours than mere academic persons are apt to think. Plancus at Grenoble on June 6th still hoped for the speedy arrival of Decimus and of Octavian. Plancus knew the crisis was very near.[1] Those men in public life who were merely predatory politicians like the younger Balbus were utterly in doubt as to what to do: they did not know which was the stronger side at the moment, which would be the stronger six months later on. The blunt and pointed manner in which Asinius reports the financial operations of the younger Balbus (the systematic plundering of the provincials, after which he sailed over to Africa, to see how the wind would blow) — this relation admirably characterizes the situation. (Fam. 10, 32.) Pollio then still looked forward to meeting Cicero in person,[2] viz. to marching to Italy and to Rome. The governor of Baetica then had three good legions; Antony's emissaries however had been tampering with them all, promising them donatives, if they would serve under him. Pollio was a pretty loyal constitutionalist at that time, who prided himself upon the fact that he had never (so far) left the territory of, or passed beyond, his own province.

Cicero, in writing to Marcus Brutus (1, 10), bitterly bewailed the blunder of Decimus, in allowing Antony to escape to the Provence. But there were other troubles. Two consular chairs were vacant, and it was Caesar's heir (not quite twenty years old) who demanded one of them for himself. Cicero opposed the young Pretender's friends and agents in every way. The youth himself, by the bye, is rated by Cicero as enjoying a very great personal power (he is *potentissimus*). It was, as Cicero truly said, all a matter of arms. His soldiers are very fastidious,

[1] Nos, qui stamus in acie. *Fam. 11, 23, 6.*

[2] Sed de illo plura *coram*. Fam. 10, 32, 3.

he himself overbearing. (ib. 3.) "Each one demands that his political influence shall be measured by his material strength": not reason, not limitation, not statute, not tradition, not duty, carries any weight; not the judgment of, not the reverence for, posterity. If the youth persists in his political ambition, then, Brutus, all our hope rests on you. Of the small remnant of his own career Cicero in that last summer of his life had no illusions.[1] Besides he was in his sixty-fourth year. After June 8th Cicero wrote to Cassius in Syria, telling him of the coalition of Lepidus and Antony. Octavian is now eliminated from the assets of his hopes. Decimus and Plancus only remained, the one a bruised reed and the other swayed to and fro by the changing winds. How frail these supports actually were, he was soon to learn. (Fam. 12, 8.) — The government has had a relapse, when we thought it was on the high-road to complete convalescence. (Fam. 12, 30, 2.) There are no funds in the *aerarium;* a *tributum* or property tax seems imperatively necessary. (Fam. 12, 9, 2.) In June Porcia died: she had loved her Brutus with a kind of lofty fervor. But Cicero still resented the severe manner in which Cato's successor had upbraided him after Tullia's death. (Febr.–March 45 B. C.) Brutus now, Cicero urged, was a public figure: he should exhibit firmness to the world (ad Brut. 1, 9, 1); Porcia indeed had been a paragon among women. Cicero now hoped that Brutus and his troops would soon come over to Italy. A ray of light: before the end of June Decimus had at last crossed the Alps [2] to Cularo (Grenoble). There they remained through the month of July, achieving nothing. Lepidus too was now at Rome declared a public enemy, and his statue in the capital was overturned. (ad Brut. 1, 15, 9.) Lepidus' wife (a sister of Brutus) was then in or near Rome. The S. C. against Lepidus was adopted on June 30th. Those of his adherents who would leave him before September 1st were to be pardoned. Cicero urged Cassius, too, to come to Italy, as soon as the destruction of Dolabella was accomplished. (Fam. 12, 10, 3.) As for his own son Marcus, who was then twenty-two, he should not come to Rome to begin his public career with sacerdotal honors, but remain in active service with Marcus Brutus. (ad Brut. 1, 14, 4.) On July 11th Cicero disclosed why he would like to see Brutus in Italy: it is the army of Caesar's heir of which the orator was

[1] Mihi quidem quantulum reliqui est? *Ad Brut.* 1, 10, 5.

[2] Fam. 11, 15; 10, 22; 26.

then in apprehension. If Brutus once were to pitch his camp in the peninsula, every citizen worthy of the name would seek refuge in it. Cicero implores Brutus to come over. In this summer, on July 25th, Cicero even held a conference on the situation with Brutus' mother Servilia: Scaptius also, the financial agent of Brutus, and Labeo, one of the regicides, were present. (ad Brut. 1, 18.) Most painful for Cicero was the fact that he had, in a way, pledged himself for young Octavian (ib. 3) and now could not make good the obligation which he had then assumed. Still more oppressive was the emptiness of the public treasury. The rich fail us badly: they are deaf, they made fraudulent returns of their incomes. On July 28th Plancus makes a report to Cicero from *Cularo* (Grenoble). (Fam. 10, 24.) As yet the loyalty of his own troops was unimpaired, in spite of the efforts of Antony and Lepidus. Plancus then had three veteran legions, and one of recruits, while Decimus had one veteran legion, one of second-year men, and eight of recruits. Octavian, well up to the end of July, kept assuring Plancus that he was coming (Fam. 10, 24, 4), although the commander at Grenoble well knew that Caesar's heir had decided upon a shorter cut to prominence. Plancus makes Octavian responsible for the precarious situation, for the success of Antony, for the new coalition, for everything. He wants to be consul for a few months.

Octavian forsook the cause of the Optimates without any hesitation,[1] says Suetonius (August. 12). Cicero could not make him share his own motives, visions, ideals. An idealist is apt to seek his patterns in the past, while a practical politician who seeks success will deal mainly with the present and its activities. The second Caesar had the oldest head on the youngest shoulders ever known. He now sent centurions to Rome[2] to demand the enormous donative of five thousand drachmas ($900) per veteran, which never had been paid. Octavian well knew that the aerarium was in distress. The senate temporized. But we must be concise, and we well may be, for Cicero's pen moves for us no further, and all the contemporary sources are at an end. Octavian had arrived at some definite understanding with Antony before he[3] marched on Rome. They were in a way both of them heirs of the political order which the great

[1] Plutarch, 46, makes the consular office the point where Caesar's heir turned Cicero adrift.

[2] App. 3, 86.

[3] Liv. 119.

Caesar had brought into the Mediterranean world: viz. the bald, crude principle, that the control of mercenaries should henceforth determine both Roman affairs and the provincial governments. The Imperator had come to rule. The East, they said to one another, was once more in the hands of the Pompeians: why should the Caesarean leaders in the West destroy one another? The simple demands of self-preservation now must put an end to all bickering of mutual distrust and jealousy. Early in August [1] Octavian crossed the Rubicon with eight legions. After this his troops moved in two divisions, one marching very fast in advance of the other, coming upon an unprepared capital. At once there was a panic in Rome, and wild fears. Cicero was not to be seen at all.[2] Fear ruled the senate, in which Cicero did not appear. Everything was granted, inclusive of the donatives of five thousand sesterces for the entire eight legions. This would have called for one hundred and seventy-five million sesterces, or some $7,700,000. Of course there was no such vast sum available then. Further it was granted to Octavian to be voted for consul in his absence. How swift had been the disintegration of the Republic since January 49, when Caesar sent his ultimatum from Ravenna by the hands of his servitor Curio! Octavian was with the slower part of his army. Envoys hastened north with the concessions. Then remorse seized the conscript Fathers. Why not defend the city until Decimus or Plancus might arrive? and by good fortune the two legions from Africa arrived on the same day. (App. 3, 91.) Cicero reappeared. There was a general enrollment. One legion too had been left behind by Pansa. Some occupied the Ianiculum, where the treasure was kept, others the Mulvian bridge. The mother and sister of Octavian could not be found. Octavian, hearing of this new vigor, quickened his movement with the main body of his army, sending mounted men in advance and bidding the people to fear nought. Notables and commons streamed out to meet Caesar's heir. His troops maintained perfect discipline. Octavian's mother and sister had awaited him while lodged in the establishment of the Vestals. When Cicero came to meet Octavian, the latter said in a bantering way,

[1] App. 3, 88.

[2] The references of Appian (Pollio?) are enlivened with the animus of one who sneers, and who rejoices in Cicero's humiliation or frailty. Appian's itch to give a *piquant* turn to the presentation of details has often been observed.

that the orator had been the last of his friends to welcome him. The praetor Cornutus destroyed himself, a second Cato. Again there were rumors that the IVth legion and the Martia had declared for the senate. The latter even met at night, Cicero standing at the portal and cheering the members as they arrived.[1] But when all the hopes proved false, he fled in a litter. Octavianus' adoption was formally legalized by a special act of *adrogatio*. When he, then barely twenty years old, and his kinsman Pedius had been chosen consuls (for Hirtius' and Pansa's places), affairs in all respects began to take a course which Cicero abominated. A *Lex Pedia de Interfectoribus Caesaris*[2] was passed and the indictments immediately prepared, not only against the murderers themselves, but also against the sympathizers. If young Caesar had harbored any rancor against the chief voice and the dominant will of the constitutional party, Cicero could easily and not at all unfairly have been included in the indictments. His pen at least had eagerly assumed for him a distinct place among the sympathizers. All the indicted were found guilty while absent. Octavian himself, with particular and open interest, observed the demeanor and procedure of the juries. Thus Decimus, but a moment before the honored defender and bulwark of the senate and the laws, was formally and regularly declared a murderer. Between Caesar's heir and Cicero's demigods, the new dynasts of the East, no peace or truce was henceforth possible. The further steps of the young consul were dictated by elemental considerations of self-preservation, for it was told that Brutus had twenty legions. The union of Asinius and Plancus with Antony and Lepidus took place in September. Octavian,[3] while moving at leisurely pace northward along the Adriatic, sent messages of peace and amity to Antony, promising to aid him against Decimus, if there were need. It was now October. All the troops of Decimus came over to Antony except his Keltic body-guard, and even these forsook him, when Decimus endeavored to escape to the Rhine. Thus driven to resort to the last devices he attempted to disguise himself through Keltic garb and Keltic speech, to reach Aquileia and thence Macedon perhaps. But he was captured by Kelts. Their chieftain detained him until word came from Antony that his head be sent to him. This was the end of Decimus. It was now November and the second great coalition was formed, where

[1] At least so Appian puts it. [2] Liv. 120. [3] Cf. Plut. Ant. 19.

the evil lessons of Rome's last political half century were applied and further extended. It was on the island probably in the little river Renus,[1] near Bononia, that they divided such power as they then had, where the fate of the empire, and incidentally that of Cicero, was settled and determined. The extremely private mode of arranging the First Triumvirate seventeen years before, was not however pursued, although that pact of Caesar's devising bore its first-born child up there at the foot of the Apennine. The three dynasts entered into a limited partnership: they dubbed themselves, "A commission of Three for settling the government," a transparent euphemism, which deceived of course neither themselves nor that generation.

The proscriptions were an essential part of the settlement. The three could not go forward without satisfying their legionaries, who were professional mercenaries. The funds required were vast. Confiscation was the chief source then available for new funds. All the revenues of the East had been cut off. Italy was utterly exhausted by imposts. As for the more conspicuous victims of the settlement near Bononia, it was entirely a matter of fair bargaining, to give and take. Octavian had to abandon Cicero, Antony his mother's brother, Lucius Caesar, and Lepidus his own brother, Aemilius Paullus, consul of 50 B. C. Cicero's name[2] was among the twelve or seventeen names which at once and without any possible warning to the victims by swift messengers were to be posted and published for death, in advance of all the others. Even before the posting of the first names Cicero fled. He knew that as author of the Second Philippic,[3] he was to be the victim of Antony as surely as that Brutus and Cassius must ultimately become the prey of Caesar's heir.[4] First he fled to his Tusculan estate, and thence by unfrequented paths to his Formianum, intending to take ship for Gaeta. Head-winds and sea-sickness troubled him in this enterprise; a disgust with exile and with life itself may well appear plausible to the student of his life. Seneca Rhetor puts it so. He returned to his upper villa, which is more than a mile from the sea, and said: "Let me die in my own country which I have often saved." His very continued existence had become, in a way, an anachronism, for

[1] Liv. 120. Vell. 2, 65. Plut. Ant. 19. Cic. 46. Appian, 4, 2. The latter gives the place as an island in the river Lavinius near Mutina. Dio, 46, 55, agrees w. Plutarch here. Cf. also Plut. Brut. 26.

[2] App. 4, 6. [3] Juvenal, 10, 125. [4] Seneca, Rhet. Suas. 6.

he had survived the Republic. The time had come when the aging consular had to face that crisis, that end indeed, which he had not merely anticipated, but even challenged, at the conclusion of his terrible Invective. It is a well-established fact, that his slaves were loyally and bravely ready to fight, but that he bade them set down the litter and quietly to suffer what an unkind fate had compelled him to suffer. He stretched forth from the litter both head and neck. He himself, as was his wont in reflexion, propping his chin with his left hand, firmly fixing his glance on his murderer, awaited the fatal stroke, his tousled grey locks unkempt, his countenance furrowed and shrivelled from these ultimate cares.[1]

In our times thousands and tens of thousands are spent to unearth some row of seats in an amphitheatre where a pantomime perhaps or coarser entertainment once furnished diversion to a community itself morally, politically, culturally, defunct. We felicitate ourselves on some futile remnants of archaeology, we gaze on the arches of the *Aqua Claudia*, we overvalue every little piece of shell, now inanimate, and practice a vain palaeontology of culture, while the very spirit and soul, the best letters and the foremost personalities of the past, are mouldering (as truly as do the village swains of Stoke Pogis in their country churchyard) in libraries. The parings of fingernails, the heels of old shoes, we gloat over, in yielding to a veritable childlike faculty of curiosity,— the blazing eye, the deep furrow of the pondering mind, the grave lesson of truth-loving historiography — these we let severely alone.

In the Rhetorical schools of Rome and the Empire Cicero's life and death soon formed a stated theme for declamation and debate. One sees from the points cited by the elder Seneca, Suasoria (VI) and (VII), how, within the very first generation after Cicero's death his Catilinarians, his Second Philippic, had become schoolbooks. And your schoolbook is your toughest of preservatives in the domain of Fame. The elder Seneca was then a contemporary of mature enough faculties to have listened to Cicero's eloquence: he sums up (Suas. 6, 14 sq.) the historical valuations which he knew in this way: "for that Cicero was neither so cowardly as to beg Antony (for his life) nor so foolish as to believe that Antony could be successfully entreated, on this point no one entertains any doubt excepting Asinius Pollio, who remained most bitterly hostile to Cicero's reputation. And he even gives a clew to the professional teachers of an-

[1] *Testimonium Animae* by E. G. S. 1908, p. 374.

other Suasoria: "Cicero deliberates whether he should burn his speeches, provided Antony promised him his life." Among these earlier teachers of Rhetoric after Cicero, was, e. g. Porcius Latro. He was a teacher of Ovid who was born in 43 B. C. If then we set this time when Ovid himself was taught, at about 28 B.C., we see how steadily and how early Cicero flourished in the Rhetorical schools. Whence, however, the bitterness of Pollio to Cicero's memory, when Pollio in the years of his making looked up to Cicero with warm and positive devotion? As Pollio lived a little further he did not go on to idealization. That is the normal human way.

No, he was too near to Antony to do that. Pollio was an intense rival of Cicero, i. e. of Cicero's oratorical fame. And he was no Ciceronian, but like Calvus, like Marcus Brutus, he cultivated his own style, but no academic manner imported from this or that Attic standard. Pollio went out of his way in his published defense of Aelius Lamia to attack the memory of Cicero, nay, the moral character of the orator in a ruthless manner, viz. he stated in that publication that Cicero would have denied the authorship of the Philippics under oath, if that had depended on him alone. Nay, he uttered (or published) even more outrageous charges: "He promised repeatedly to put forward a goodly number more, many times more (than the original Philippics) and even in person to deliver them before the popular assembly" i. e. as recantation. This was a record of published letters. Lamia was probably the follower of Cicero of these years, perhaps saved, or at least defended by Pollio in the wider proscriptions subsequent to Cicero's death, 43–42 B.C. It does seem that Pollio at that time was currying favor with Antony, the dynast of the hour. But later,[1] probably after Actium, 31 B.C., when Asinius wrote his "History of my Own Time" i. e. his "*Historiae*," he did not dare (says the elder Seneca) to put such allegations into the work: not that he had come to love Cicero: he did not. He simply did not dare at that stage, with Antony in the realm of shades, to put such a falsehood into that history. The details of the Lamia case throw even a worse light on Asinius. He is charged by Seneca the Elder with inserting this passage some time after the case when he came to publish the defense. Seneca is near to the time and conversed with those who had heard the pleading of Pollio.

The historian Cremutius Cordus (Sen. 6, 19) says that Cicero had been perplexed whether to flee to Brutus, or Cassius, or to Sextus Pompey. There is to me a strong probability that Pollio's "Historiae" have colored and determined very largely the corresponding sections of Appian. And that I reached this conclusion quite independently and find myself here in accord with a number of careful scholars, is gratifying. I shall therefore briefly set down the relation of Appian, 4, 19, 20. Cicero, who after Gaius Caesar attained the greatest renown which the personal sway

[1] Hor. Carm. 2, 1.

of the people's leader could attain, had been condemned with son, brother and with all those close to his person, factional adherents and friends.[1] He first fled on a vessel but could not endure the disagreeable sensations caused him by the high winds. He thus put to shore at a private place which he owned near Caieta and kept quiet. By and by the searchers approached. Ravens flew in and cawed, waking him from his sleep and drew the coverlet from his person, until the slaves interpreted this as an omen from the gods and placed him on a litter, and while carrying him through a dense copse, there was a shoemaker, a client once of Clodius, who showed the foot-path to the centurion Laenas.[2] When the latter rushed after the cortège, he realized that his own were much fewer than Cicero's retainers and so he resorted to a stratagem. He cried aloud as though giving a command to a goodly number of centurions who were bringing up the rear. So the slaves were startled and filled with fear. Laenas, who once had been defended by Cicero, drew Cicero's head out of the litter, cutting three times and sawing it off, because he lacked experience in decapitation. He also cut off the hand with which Cicero composed his speeches[3] against Antony as against a tyrant, entitling them Philippics in imitation of Demosthenes. When Laenas arrived on the Forum, Antony was sitting in public. Laenas shook or swung head and hand of Cicero in the distance, for good news. Antony placed a wreath upon the head of the slayer, and presented him with a purse of two hundred and fifty thousand sesterces ($11,000).[4] Head and hand were exposed on the Rostra for a very long time, where more were wont to gather to see him than to hear him.

Plutarch's account (c. 47) is the fullest which has come down to us. This seems to be due to the elaborate relation in Tiro. Tacitus (Dial. c. 17, 2) considered Tiro's the best account of that critical year.

His brother Quintus was with him at the Tusculan villa, when they heard of the proscriptions. He resolved to make for Astura and thence to sail for Macedon to Brutus. They were travelling in litters. Sometimes these were set down when they bemoaned their fate. Quintus was more discouraged than Marcus. As they were but poorly equipped with funds for travelling, it was arranged that Quintus should go back for such, while Marcus should go ahead. Having embraced and wept bitterly, they parted. Quintus, a few days later, betrayed to the searchers by his own slaves, was put to death, together with his son. Cicero found a vessel at Astura and sailed as far as Circeii. But when the pilots wished

[1] Among them, perhaps, Lamia.

[2] Popilius Laenas. Cf. Liv. 120. huius occisi a Popillio legionario, etc.

[3] Antony was merciful in his way in sparing *Tiro*, the real *hand* of Cicero's literary composition since 54 B. C. or longer.

[4] The tradition in the Rhetorical Schools was that the slayer received the weight of the orator's head in gold.

to get under sail again, Cicero disembarked, be it that he feared the sea or had not yet utterly abandoned his trust in Octavian. So he travelled some hundred stadia (about twelve miles) in the direction of Rome. But wandering again and changing his plans, he reached the sea at Astura. He paused one night amid harrowing reflexions, as e. g. to go to Rome, throw himself at Octavian's feet and slay himself at the hearth of Caesar's heir. Then he permitted his slaves to convey him to Caieta by a barge, to his villa near by, which is particularly charming when the trade winds blow in summer time. Crows settled on tackle and yard-arms as the vessel was being rowed to land. Cicero however landed and went to his villa to rest. The crows settled on the portal and cawed and cawed. One alighting on the couch tried to draw the cloak from Cicero's face. The faithful slaves blamed themselves severely therefore for permitting themselves to abide there, and partly entreating and partly constraining him carried him in the litter toward the sea. Meanwhile the slayers arrived, a centurion Herennius and a military Tribune Popilius (whom Cicero once had defended on a trial for parricide) with servants. They broke open the doors which they found locked, and no one in the villa would tell of Cicero's whereabouts, until a freedman of Quintus, who had been liberally educated by Cicero, told the military Tribune of the litter then carried by densely wooded paths to the sea. Popilius ran around to the point where the path issued from the wood, while Herennius arunning pursued the litter on the path. Cicero bade the slaves set down the litter, "But he himself, as he was wont, with his left hand applied to his chin, kept gazing steadfastly on the slayers, unkempt and unshaven, his countenance shrivelled and furrowed from cares, so that most of those who looked on wrapped their faces, and would not witness the butchery there performed by Herennius."[1]

[1] According to Tiro it was the Seventh day of December. Cicero lacked twenty-four days of completing his sixty-fourth year. (52.)

## CONCLUSION

THE life of Cicero has passed before us. We have endeavored to gain a close vision of it, and we have been favored by material much richer and much more varied than is afforded by any other life of the ancient world. We veiled or palliated nothing. Also we declined to resort to the device of artificial modernization, so popular now. We avoided also injecting into our valuations the categories of our own world, for that trick too is a denial, it is the negation of genuine historiography.

Cicero from early boyhood established the habit to outdo and outshine his competitors and his contemporaries. He should not be conceived as a *literateur* who somehow dabbled in politics or stumbled into public life. His training for it was fully as thorough as that of any member of the office-holding aristocracy. He was not a poorer Roman or a less genuine Roman because his culture was deeper and broader than that of the typical Roman. There was then no Roman culture. His culture then was the only finer or deeper culture which at that time was available; it was Greek culture. His attitude towards it was manifold and manysided. He was bilingual in a way, but in his political consciousness he felt himself vastly superior to the Greeks, though Plato, Dicaearchus and other Greek thinkers furnished him clews, incentives and theories. It is futile to place Caesar's Latinity on the level of the man who, in a way, created Latin prose style. Theory, contemplation, taste, no less than many graces of Isocratean art, he brought into his native tongue for the first time. Ennius and Lucilius were set aside and became antiquated through the more perfect and finished verse of Horace and Vergil. But no one ever performed that feat in the specific domains of Cicero's authorship in Latin Prose. Unless some grammaticus or antiquarian preserved some slender fragments, what do we know of the oratory of Caesar, Caelius, Curio, Calvus, Brutus, Asinius or Messalla? Cicero was a cyclopedic nature, his ingenium had a certain universality. He was conscious of it. In a way he was the first of the Humanists. His interest in applied psychology, in ethics, in political science, in historiog-

raphy, and above all in the most casual and apparently inconsequential details of the Rhetorical Art, was sweeping, keen, restless and progressive. He swayed and dominated his time with his pen even more than with his voice, and taught the Latin world by furnishing it with models and standards even before he arrived at life's meridian line. The Neo-Atticism of Calvus and Brutus he met by admirable and temperate valuations and surveys. He knew that he had to make his way in an aristocratic society buttressed by tradition and privilege. For tribunician politics and popular leadership he entertained a deep and consistent antipathy. The assertiveness of his aspirations and of his achievements he shared with the majority of classic writers and men of parts. Humility has no place at the Olympian board of the Greek Epic, nor shall we find it among the Ethical categories of the Stoic school. His forensic industry and excellence opened for him the Great Council and the course of Honors. The restless and darting wit of his tongue was an evil influence for the serenity and for the felicity of his life, for those who are accustomed to the perpetual applause of their sudden and incalculable scintillations will be more feared and admired than loved. The ductile character of an advocate's professional intellect, his habit of emphasizing his strong points, and covering up or concealing his weak, these are not in themselves favorable to the formation of a very strong vein of exclusive or positive truthseeking. The constant craving of applause is one of the unwholesome concomitants of supreme oratory. So Cicero in the domain of philosophy too excels more as a lucid and efficient relator of tenets, schools and sects than as the firm adherent of any one school. He was supremely susceptible to grace, truth and loftiness of character and precept, but he was not strong enough to illustrate by his own conduct, amid uncommon trials and tribulations, the firmness which he admired in the Stoic system, which he witnessed in Cato. That Roman Republic which furnished him patterns and ideals ended with the political assassination of Scipio Aemilianus. From his early youth on he lived in a period of political disintegration, he witnessed autocracy, the reestablishment of oligarchy, and above all an epoch where swift and enormous expansion of empire went hand in hand with, nay quickened and accelerated, the dissolution of the old city-republic. Likewise it aided the rise, through the loot of East and West, of powerful political individuals like Pompey

and Caesar. Particularly the latter one with consistent perseverance accelerated the disintegration, and largely through his legions and Gallic gold became too powerful to permit any longer the old routine of exploitation by members of the old families. Moral and social decadence, enormously fed and fostered by that same exploitation, marks the epoch of Cicero's manhood and aging years, and he was impotent to communicate to son and nephew those loftier principles through which he kept clear and pure his own skirts amid the putrescence of the times. His own writings impressively mirror that decadence, which for its mad luxury and profusion required the income of great provinces, and bartered senatorial recognition of states and potentates. Cicero's magnificent defense of Sicily placed and kept his public conduct on a higher level, and his administration at Tarsus and Laodicea ennobled his purer principles and made proof of his resolute will to follow justice and humanity in dealing with the subjects of Rome.

Cicero's intellect was swift and eminently successful in taking hold of points and principles. Unfortunately it was coupled with excessive sensitiveness in the domain of feeling and emotion. He was swift to take offense, but as Pollio correctly said in his history of the Civil War, he was not equally consistent in carrying to conclusion the greater feuds of his public career. An author, who is also prominent in public life, has in a way a double personality and is more vulnerable than the others. He lacked phlegma too much. Noble sentiments of his Greek authors often became to his inner and nobler life vital and vitalizing forces, mottoes, principles, herald's calls, pillars of fire by night, to guide and direct him in the ever increasing desolation and darkening of the political world. His struggle for law and order, his defense of property and vested rights in the Catilinarian movement, confirmed and definitely fixed his position as what we may call that of a philosophical conservative, who saw but few optimates in his world who were worthy of the truer and searching appellation of the Best. In striving for the consulate he had sought and won the support of Pompey: a practical necessity for his ambition but no acceptance either of a dynast nor a profession of popular politics. His morbid sensitiveness as well as pride in his own advancement had made him assume, in his earlier forensic career, a somewhat defiant attitude towards the pretensions of the aristocracy of birth. With all this it is shallow malice to call

him a trimmer; least of all does he deserve any disesteem in the entire domain where we look for fidelity of convictions, and for political consistency. His distrust of the tribunate as a Roman institution was unvarying and deepseated from the beginning. The records made in that office by the leading popular politicians he reprobated, from Tiberius Gracchus to Clodius Pulcher. Neither Cornelia's great sons nor Livius Drusus received at his hands any fair or just estimation.

There was great personal pride in Cicero's political conduct, which elevates him immeasurably above the mere politician. He received much from Caesar, after Pharsalos and the anxious year of semi-exile at Brundisium. Still when Caesar's regency was an accomplished fact, he condemned it with a certain indirection, not only by avoiding the senate-house, now so largely peopled "with Caesar's centurions," but even the courts presided over by praetors who owed their nomination to the victor of Pharsalos, Thapsus and Munda. His abomination of the politician Caesar was so profound that he was unable fairly to judge his nobler qualities, except in one passage of contrast with Antony, a delineation which is indeed among the finest things done in Latin. (2 Phil. 116.) The three great conflicts of his career were those with Catiline, with Clodius and with Antony. His own generation was largely inclined to view them as personal feuds, especially the second and the third one. But he insisted on rating them differently. He saw himself in these contentions as the champion of great and noble principles, sound morals, the purer tradition of the past, the stronger and truer republic which Polybius describes and extols. He felt himself as surrounded by a cloud of witnesses, the shades of the past, the choir invisible of Roman worthies, who were translated to live by themselves in bliss, and in a heaven of civic immortality. In Cicero there was a continuous conflict of two voices which never chimed in harmony; viz. that of the scholar and idealist on the one hand, and that of the practical man of the world on the other, who needs and seeks material success. The man working in his "Lyceum," the garden library of his estate on the Alban Hills, the reader and fond student of noble thoughts and lofty principles, it is the one of these two Ciceros, the one whom we justly honor and cherish and transmit to further generations. But we must not overlook the other one. This is the young aspirant for fame and distinction, son of the quiet and retired gentleman of moderate means, born

in the highlands of the upper Liris amid a simple and unspoiled folk of yeomen. The Aristocracy had splendid mansions on the Palatine, where their luxury held high revels. The very mansion there belonging to the richest man among the Roman aristocracy did Cicero acquire. In the Alban Hills again he made himself a residence among this proud and exclusive folk, and in the Newport of the same society, near Cumae and Puteoli, his villas were contiguous to theirs. This however did not lessen, it increased enormously his insistence on his personal merit, his unaided industry, on his attainment of being the social equal of those who bore the greater names of the imperial commonwealth.

Few personages of all time, no one personality of classic antiquity is so well known to us. Few men have left so large a body of very private correspondence to the tender mercies of a curious and dissecting world. His foibles and his moods lie before us, as though he were a chambered nautilus. His infinite sensitiveness no less than his swift and sure intelligence, his fears and prejudices, his rancor, his faculty of unfathomable hatred, are turned toward our gaze, no less than his nobler aspiration for justice, equity, and righteousness. His was a warmly beating heart: few men in history were so resolutely grateful as Marcus Tullius Cicero. On the other hand his cast of temperament and will compels us to rate him much lower than Caesar in the domain of forgetting and forgiving. The volcanic passion of his vindictiveness even now may well cause our souls to tremble and shiver with a very positive horror. The deep intellectuality of his *ingenium* is revealed in his last years, especially after the death of the only one of his children who seemed to deserve his strongest affection. He had buried his Tullia, he was himself desolate and bared of joy and hope, comparable to a tree in December. He had heard the knell of almost all of his ideals, the world to him was dreary, for it was vicious, frivolous, shallow, decadent. "It was within the power of Themistocles to live a life of leisure, it was within the choice of Epaminondas, it was, that I may not go into ancient and foreign spheres, it was permitted to me. But somehow there is deeply rooted in the mind a certain presentiment of future ages, and this is both quickened to life most in the greatest intellects and in the loftiest souls, and also is it most readily revealed in them. If this were cancelled, who would be so imbecile as always to live in toil and danger?" (Tusculan Disp. 1, 33.)

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*Th. Mommsen*, Zu Sallustius, Hermes, vol. 1, 431–347, (date of First Catilinarian), p. 436: in Stiller Allmacht u. Allwissenheit gleich der waltenden Vorsehung machte der grosse Consul die Plaene der Verschwornen augenblicklich zu Schanden." It is true Cicero cursed Caesar even after his death. The intense hatred of Mommsen for Caesar's opponents is a familiar fact. On Cicero's Verrines, M. bestows exactly two or three lines. Cf. *Niebuhr*.

The very titles of headings of certain chapters in Mommsen's R. G. are wildly subjective: as e. g. "Pompeius und Caesars Gesammtherrschaft" — q. e. d. — There was no such thing.

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*Mart. Schanz*, Gesch. d. Röm. Literatur. His condescending manner in dealing with Cicero is unpleasant.

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